

1 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 versus

5 MOHAMMAD AJMAL CHOUDHRY,

6 Defendant.

13 CR 150 (WFK)

U.S. Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201
June 23, 2014

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8 CRIMINAL CAUSE FOR JURY TRIAL

9 BEFORE THE HONORABLE WILLIAM F. KUNTZ, II

10 UNITED STATES DISTRICT JUDGE

11 APPEARANCES

12 For the Government:

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24
25 Proceedings recorded by mechanical stenography. Transcript
produced by computer-aided transcription.

1 (In open court, outside the presence of the jury.)

2 THE CLERK: All rise. The Honorable William D. Kuntz
3 the second, now presiding.

4 We're here on the criminal matter, 13 CR 150, United
5 States versus Choudhry.

6 Counsel, please state your name for the record and
7 spell it for the court reporter.

8 MR. TUCKER: Rich Tucker, T-U-C-K-E-R; Amanda Hector;
9 H-E-C-T-O-R; and Margaret Gandy, G-A-N-D-Y for the United
10 States, Your Honor. And with us today is Special Matthew
11 McGuire with the Diplomatic Security Service, M-A-G-U-I-R-E.
12 Good morning.

13 THE COURT: Good morning. You may be seated.

14 THE INTERPRETER: Ashutosh Mishra, Punjabi
15 interpreter.

16 THE COURT: Thank you.

17 And I would like to have the defense counsel present
18 for Mr. Choudhry. I take it he's having a comfort station
19 break or some such --

20 (Mr. Sosinsky entered the courtroom.)

21 MR. SOSINSKY: Sorry.

22 THE COURT: Good morning, Mr. Sosinsky. Would you
23 please state your full name for the record and note your
24 appearance? We don't do Hamlet without the prince.

25 MR. SOSINSKY: My name is Fred Sosinsky, SOSINSKY, for

1 with my client, Mohammad Choudhry.

2 THE COURT: Thank you. Who is here today.

3 And we have the interpreters note their appearances as
4 well, and spell their names for the court reporter? You can
5 sit and use the microphone, sir. That's okay.

6 THE INTERPRETER: My name is Ashutosh Mishra.

7 THE COURT: And would you spell that?

8 THE INTERPRETER: A-S-H-U-T-O-S-H and M-I-S-H-R-A,
9 Punjabi interpreter.

10 THE INTERPRETER: Ravi Kotru, K-O-T-R-U, Punjabi
11 interpreter.

12 THE COURT: Good morning. And you both have been
13 previously sworn in this action, correct?

14 (Both interpreters answer affirmatively.)

15 THE COURT: Okay. Thank you.

16 We have a preliminary issue to address before we bring
17 the jury in for opening statements, plus whatever preliminary
18 issues counsel may have, but let me address this first issue.

19 Last week after the jury had been selected and
20 impaneled, one of the jurors contacted our jury office, making
21 a request to be excused from jury service, due to a previously
22 unanticipated hardship. The employer of that juror had stated
23 that juror would be subjected to a reduction in employment
24 compensation and retirement benefits if that juror served on a
25 trial which would consume the next three weeks.

1 I instructed the jury office to have that juror report
2 separately from other jurors a few minutes early to the jury
3 office and to available to appear in court today to explain to
4 the Court, to counsel and to the parties on the record the
5 threatened unanticipated hardship and to hear the positions of
6 counsel as to whether that juror should be excused from further
7 service or not be excused from further service.

8 After following my directions, our jury office
9 informed me that the juror now reports having had successfully
10 resolved those issues with the employer, and therefore withdrew
11 the request to be relieved from jury duty. So the problem
12 seems to have gone away.

13 If either counsel would like me to call the juror into
14 court this morning for further inquiry on the issue on the
15 record, please tell me that now, and if not, I will simply call
16 the jury in for opening statements after hearing any
17 preliminary issues that you have. So first let me hear from
18 the United States attorney and then from defense counsel.

19 Ms. Hector, do have a -- or sir, do you have any
20 issues?

21 MR. TUCKER: No, Your Honor, we have no issue leaving
22 the juror without further inquiry.

23 THE COURT: Okay. Sir, do you have any desire for
24 further inquiry of the juror?

25 MR. SOSINSKY: No, I think that's fine, Your Honor.

1 THE COURT: Thank you very much. All right. Okay.
2 So you can have that juror join the others and we'll bring them
3 in.

4 Now, are there any other preliminary issues that we
5 need to address before Mr. Jackson gets the jury and gets them
6 in for opening statements?

7 MR. TUCKER: Your Honor, I believe the government's
8 only issue is we have observed that there are number of
9 civilians who appear to be associated with the case in the
10 courtroom. We've already conferred with defense counsel about
11 there, and it's government's understanding that the rule of
12 witness sequestration is going to be in effect, so none of the
13 government witnesses and I believe no defense witnesses will be
14 present in court during the testimony or jury addresses.

15 THE COURT: Okay. May we have a response from that,
16 sir?

17 MR. SOSINSKY: Certainly the government and I have
18 discussed that. I would just ask, because I'm only familiar
19 with some, but not all, of the people who may have showed up
20 here today, if I could have one or two minutes just to confirm
21 that there no one who may be a potential witness for either
22 side that's present in the courtroom.

23 THE COURT: Yes. Absolutely. And the rule of
24 sequestration is, everyone knows, does not apply to the
25 parties. So obviously Mr. Choudhry is here and he will be

1 throughout. We're talking about any government representatives
2 who are party representatives to be here throughout, we're
3 talking about other witnesses. So, with that understanding,
4 please make whatever inquiry you need to make.

5 MR. SOSINSKY: Thank you.

6 THE COURT: Thank you.

7 And while we're waiting for Mr. Jackson to bring the
8 jury in, you see I've ruled with respect to the motion in
9 limine?

10 MR. SOSINSKY: I don't think.

11 MR. TUCKER: No, Your Honor, I don't believe we saw
12 that.

13 (Pause in proceedings.)

14 MR. TUCKER: Your Honor, I've conferred with defense
15 counsel and he has advised me that the rule sequestration is
16 satisfied with respect to both parties.

17 THE COURT: Is that correct, sir?

18 MR. SOSINSKY: Yes.

19 THE COURT: Thank you.

20 MR. TUCKER: Thank you, Your Honor.

21 THE COURT: Thank you.

22 THE CLERK: All rise.

23 (Jury enters.)

24 THE CLERK: Judge, the jurors are here.

25 THE COURT: Thank you, ladies and gentlemen of the

1 jury. Please be seated.

2 And please be seated the rest of you.

3 Thank you very much for your promptness in being here
4 today. You recall last week I gave you the rules of the road,
5 so I'm not going to do that again. I will just remind you of
6 two salient points: One, the burden of proof beyond a
7 reasonable doubt resides throughout this proceeding on the
8 United States government. It never shifts to the defendant.
9 And secondly, we're going to have opening statements now from
10 both the prosecution and the defense. Opening statements are
11 not evidence. They're simply arguments of where each side
12 believes the evidence should and will take you. You will be
13 the deciders of the facts of the case.

14 As I said before, we will begin each day at 9:30.
15 I've been working with the lawyers for the last half-hour or
16 so. Typically, we will break around 12:30 for lunch. We may
17 break a little bit earlier than that today. We're going to
18 have opening statements, and depending upon the length of the
19 opening statements, we may simply go with opening statements
20 until noon and then take a little bit longer than regular lunch
21 break. So, we're going to be respectful for your time and your
22 efforts.

23 One thing I'm very, very firm about, as I said before,
24 is, we adjourn at five. Went a little late last time with the
25 jury selection. We adjourn each day at five o'clock and you

1 will see me cut off lawyers in mid-sentence at five o'clock, if
2 need be. So everyone understands, five o'clock means five
3 o'clock.

4 I thank you for your attention and we will now have
5 opening statements from the United States of America.

6 MS. GANDI: Thank you, Your Honor.

7 The defendant, Mohammad Ajmal Choudhry, is a
8 Pakistani-born Brooklyn resident. For more than 20 years he
9 has lived and worked and raised his family here in Brooklyn.
10 In February of last year, the defendant, who is a New York City
11 taxicab driver, was driving his yellow taxi through the streets
12 of New York, when he received a call from his youngest
13 daughter, Amina.

14 Weeks earlier, Amina, who is a United States citizen
15 and was raised much of her childhood here in Brooklyn, had
16 defied her father by secretly fleeing Pakistan and leaving
17 behind the husband that he had arranged for her to marry. To
18 leave Pakistan, Amina had the help of a young man named Shujat,
19 a young man who was not her husband.

20 The defendant was humiliated and angered by Amina's
21 actions and those of Shujat. And so he vowed to take action to
22 restore his family's honor. He orchestrated a deadly plan to
23 have Shujat and his family killed in Pakistan. A plan that the
24 defendant advanced in part from the front seat of that yellow
25 taxicab during that faithful phone call with his daughter.

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1 Not a moment after saying, "Thank you, have a nice
2 night," to the unsuspecting customer in the back of his cab,
3 the defendant turned back to his phone call with his daughter,
4 and warned her in his native language, "Now let me make it
5 clear to you. Take note of one thing. If you don't come back,
6 I will kill each and every one of them. I will go to jail.
7 The entire family will go to jail. Write it down."With that,
8 the defendant had delivered an ultimatum: "Come home or else."

9 But Amina did not return to her father's home in
10 Brooklyn as she had been ordered to do and as a result, four
11 days later, Shujat's father, Shujat's sister were shot dead in
12 the streets of the Pakistani village that Amina had fled only
13 weeks earlier, just as the defendant promised they would be.

14 In 1999, the defendant moved his daughter, Amina and
15 her other sibling to Brooklyn from their Pakistani childhood
16 home. Amina was about nine years old at the time. And in the
17 years that followed, her life came to resemble that of many
18 typical American teenagers. She had a Facebook and email
19 accounts. She attended a New York City high school, and was
20 taking college courses at Brooklyn College.

21 But from a very young age, Amina knew that her father
22 had promised her in marriage to her cousin, Babar, a cousin who
23 lived in the Pakistani village that she was born in, and that
24 she was arranged to be married to him when she became old
25 enough.

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1 Amina, you will learn, didn't want marry Babar.
2 Instead, she was interested in another young man from her
3 Pakistani village, a man named Shujat. And Amina and Shujat
4 had been secretly communicating with each other over Facebook
5 and by email in the years while Amina was living in the United
6 States.

7 In 2009, at about the age of 19, Amina took a trip to
8 Pakistan with her father. She thought she was just visiting to
9 attend a cousin's wedding and that she would return to Brooklyn
10 after the celebration had ended to continue her studies. But
11 the defendant had other plans for his daughter. When it came
12 time to leave, the defendant told Amina she would be staying in
13 Pakistan under the supervision of her uncle, his brother,
14 Akmal. The defendant told her that she would marry Babar as he
15 had planned for her to do, and he told her in no uncertain
16 terms to have no further contact with Shujat.

17 Amina had no choice. For three years, she lived with
18 her uncle and other family members in Pakistan, as her father
19 directed. During that time, she continued to secretly
20 communicate with Shujat. When her contact with Shujat was
21 discovered, Amina's uncle hit her and threatened her with
22 further violence if she continued to disobey her father's
23 wishes.

24 After nearly three years of living in Pakistan, at the
25 age of 22, Amina finally gave in to the weight of the threats

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1 and agreed to marry Babar. She foolishly thought that if she
2 did, she would be allowed to return to the United States, but
3 that's not what happened.

4 After the marriage, the defendant returned to Brooklyn
5 and continued living here, leaving Amina behind in the
6 Pakistani village with her new husband, Babar. Shortly after
7 returning to the United States, the defendant committed
8 immigration fraud by filing immigration paperwork in Amina's
9 name, without Amina's permission, to help her new husband,
10 Babar, immigrate to the United States now that he was married
11 to an American citizen.

12 At the same time in Pakistan, Amina became determined
13 to leave her husband and return to the United States without
14 him. And to do so, she asked for the help of Shujat. She
15 asked for that help despite the risk that doing so would pose
16 on her and pose on Shujat.

17 In early January of last year, with Shujat's help and
18 the help of the United States embassy, Amina fled her village
19 and returned to the United States where she immediately went
20 into hiding.

21 But the consequences of Amina's departure and Shujat's
22 role in it were deadly. As soon as Amina's departure and
23 Shujat's participation in her departure were discovered,
24 Amina's father, the defendant, her uncle in Pakistan, and her
25 other relatives in Pakistan waged an unrelenting campaign of

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1 threats, and violence and death against Shujat's and his
2 family, with the aim of both punishing Shujat and forcing Amina
3 to return to the family home.

4 When the threats alone failed to produce Shujat or to
5 compel Amina to return to her family home, the defendant and
6 his family members turned to violence. On January 26th, 2013,
7 Amina's uncle, the defendant's brother, and other relatives,
8 set a trap. They set the trap to lure Shujat's mother and
9 Shujat's father to a place just outside their Pakistani village
10 where the defendant's family members ambushed them in a hail of
11 gunfire. The car that Shujat's mother and father were riding
12 in was struck repeatedly with bullets. But they somehow
13 managed to speed away and save their own lives.

14 You will learn that in the days after that first
15 unsuccessful attempt on the life of Shujat's parents, the
16 defendant spoke by phone with Shujat's father who was in
17 Pakistan, and he threatened to kill him and to kill his family
18 if Amina did not return to the house in Brooklyn.

19 You will also learn that once Amina was safe in hiding
20 back in the United States, she informed the authorities about
21 the impending violence. She also began talking to her father
22 over the telephone, which she did not tell her father during
23 those telephone conversations that the calls were being
24 recorded by the United States government. In those calls, the
25 defendant made it unmistakably clear his belief that Amina and

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1 Shujat's actions had brought shame on the entire family and
2 that he intended to kill Shujat and his family because of that.

3 Finally, the defendant delivered his ultimatum to
4 Amina: "Return home or else I will kill them." Four days
5 later, on February 25th, 2013, Shujat's father and sister were
6 riding through the streets of their village in Pakistan on a
7 motorcycle that was being driven by a teenage relative. In
8 broad daylight they were gunned down by the defendant's brother
9 and other loyal family members who had joined in the
10 defendant's plan to restore his family honor and to compel
11 Amina to come home by publicly punishing Shujat for his
12 transgression.

13 Shujat's father, Mohammad Asghar, 66 year old husband
14 and father of five, and Shujat's sister, Madeeha Asghar, a 20
15 year old school teacher, were violently and viciously killed
16 that day in a hail of bullets while riding down a narrow street
17 in their village in Pakistan, killed just as the defendant had
18 promised they would be, and all because Shujat had brought
19 dishonor on the defendant's family when he helped Amina to defy
20 her father's orders.

21 Ladies and gentlemen, make no mistake about it, this
22 case is not about an arranged marriage or about the clashing of
23 cultural differences, we're a nation of immigrants, a melting
24 pot of very traditions and values. This case is about cold
25 blooded murder. The crime that is reprehensible in every

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1 corner of the world.

2 For his conduct, the defendant is charged with three
3 crimes. The first crime he's charged with is conspiring to
4 commit murder in Pakistan, for agreeing with others, including
5 his brother and other relatives in Pakistan, to kill Shujat and
6 members of Shujat's family and for taking steps to see that
7 that crime was committed.

8 Second, he's charged with transmitting threats to
9 injure for repeatedly threatening to kill Shujat and his family
10 during reported telephone calls with his daughter, Amina.
11 Those calls make clear the active role that the defendant
12 played in the plan to murder Shujat and his family members.

13 Third, the defendant is charged with fraud and misuse
14 of a petition for an alien relative for filing an official
15 immigration document with the United States government on
16 behalf of Babar, Amina's new husband, even though he knew that
17 application contained false information, including Amina's
18 forged signature.

19 During the course of this trial, we will prove beyond
20 a reasonable doubt that the defendant is guilty of each of
21 these three crimes. And we will do so by presenting testimony
22 from the people who lived the events that I just described.

23 You will also be presented with physical and
24 documentary evidence that corroborates their accounts. You
25 will hear from Amina. Amina will tell you about the events of

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1 her young life and the complicated position she finds herself
2 in as she prepares to testify against her own father. She will
3 tell you that she didn't want to marry Babar and that her
4 father repeatedly threatened to have Shujat and his family
5 killed after she left Pakistan.

6 You will also hear from Shujat's mother and Shujat's
7 sister. They will tell you about the threats they received
8 from the defendant from his relatives in the weeks and months
9 leading up to the murders. They will also tell you about the
10 worse day of their lives. The day when they arrived at the
11 scene of the murder in time to see Asghar's and Madeeha's body,
12 bloody, lying dead in the street while the defendant's loyal
13 family members stood over them with guns in their hands.

14 You will hear about how they callously poked Madeeha's
15 body with a gun as she laid dying in the gutter. You will also
16 see photographs taken from the scene of that shooting in
17 Pakistan.

18 You will be able to review telephone records that will
19 show how the defendant was able to orchestrate the violence in
20 Pakistan by conspiring with his relatives to develop the plan
21 to kill Shujat and his family in order to restore their
22 family's honor.

23 You will learn that in the hours before the murders,
24 the defendant abruptly and uncharacteristically abandoned his
25 regular night taxi shift early and then spent the rest of the

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1 night and through the morning talking virtually nonstop with
2 people in Pakistan, including the very people who shot and
3 killed Shujat's family members.

4 You will hear the recorded telephone calls between the
5 defendant and his daughter in the days leading up to the
6 murders. The defendant's words on these calls are clear and
7 they're chilling. You will hear him explain why he believed
8 that Shujat and his family deserved to die and what he intended
9 to do about it. You will hear him deliver that ultimatum, that
10 promise to Amina, that unless she returned home, Shujat's
11 family would die.

12 And you will hear him state over and over again in
13 different ways one very clear message, "Until I find you, I
14 won't stop. Until I find you, nothing is going to stop. I'm
15 going to kill their whole family."

16 THE COURT: May I hear from defense counsel?

17 MR. SOSINSKY: Thank you.

18 Good morning, ladies and gentlemen.

19 What the government just told you is not evidence.
20 The Judge, in fact, when we were selecting a jury last week,
21 made sure to his satisfaction that you would all follow the law
22 that says what lawyers say, indeed even the questions that we
23 ask of witnesses, is not evidence at all. Evidence comes from
24 the witness stand, under oath, tested through the process of
25 cross-examination, and you as jurors decide what the facts are.

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1 Indeed, the Judge told you that in a sense, you are
2 the judges in this case, although clearly, the Court is here.
3 But you're the judges of the facts. That's not the Court's
4 domain. That's not the lawyer's domain. You will decide what
5 is true and what is not true, what is mistaken, what is not
6 mistaken, what is exaggerated, embellished, and what is simply
7 an honest recounting of what went on. You must follow the law
8 as the Court instructs you, but you folks determine what is
9 true. You determine what the facts are.

10 You all assured us that you would hold the government
11 to that highest burden of proof that exists in the criminal
12 case, proof beyond a reasonable doubt, and I'm going to ask you
13 throughout the course of this trial to demand nothing less.

14 My client, Mohammad Ajmal Choudhry, denies each and
15 every allegation that's been brought against him, and during
16 the course of the trial, you will decide whether or not the
17 government has established those accusations beyond a
18 reasonable doubt.

19 He has been here in this country for more than 20
20 years. He is a father of five, four daughters and a son. All
21 of them are married. All of them except his daughter, Amina --
22 who you will meet shortly -- have children of their own.
23 Mr. Choudhry, you will learn is a grandfather to ten
24 grandchildren, who are the pride and joy of his life.

25 Like millions of immigrants who have come to this

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1 great country and to this city before him, he lives together
2 under one roof here in Brooklyn, in modest quarters. You'll
3 see photographs and other evidence regarding the home that he
4 resides in with his family, his children, his grandchildren and
5 his extended family.

6 You'll hear evidence -- the government will try to
7 impress upon you that despite what you can see, despite the
8 evidence that he's a cab driver and works day and night, six,
9 seven days a week, to try to provide a modest income for he and
10 his family, somehow that his family is very, very wealthy,
11 powerful people who can pull off all sorts of things back in
12 their home country of Pakistan, you'll take a look at what the
13 evidence is here about how he lives.

14 You'll hear testimony that like many immigrants who
15 come here from time to time, he sends money back home to his
16 extended family, where he has brothers and sisters and aunts
17 and uncles and grandparents and the like. And that he speaks
18 on a telephone, that he speaks on the telephone using calling
19 cards to keep the costs down, consistently with folks back
20 home, as do every other member of his family who reside within
21 that home in Brooklyn.

22 You'll learn that at a young age, his wife, the mother
23 of his five children, passed away while in Pakistan. And in a
24 sense, although he raised his children both as mother and
25 father, that at various times throughout their lives, they were

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1 left in the care of extended family. Not unusual amongst the
2 immigrant community here, certainly not unusual in Pakistan,
3 where there is much more -- and you'll hear testimony and I
4 expect testimony from experts on group culture as opposed to
5 the individual. There's nothing uncommon about that at all.

6 You'll hear that this rich and powerful man, this man
7 whose family wields all sorts of power, when he would come home
8 from driving a taxicab in the wee hours of the morning would
9 sleep in the basement of this home on a cot. You'll learn that
10 others slept in the same room with him on air mattresses.
11 You'll see photographs I expect of some or all of this.

12 Part of that, of course, was functional, he was
13 working overnights. He and his children, his son, Shakeel, his
14 son-in-law, shared duties driving taxicabs here in New York,
15 and so when they came home late at night, in an effort not to
16 wake up the entire family, they would sleep in the basement.

17 You'll learn that he was all about work and that's
18 what he did. That's what his family did. That's what his son,
19 his son-in-law did.

20 Now, you'll also learn that in Pakistani and Pakistani
21 American culture there are traditions, byproducts of history,
22 some influenced by religion, some simply cultural, but there
23 are these blueprints of heritage, and I expect that once again
24 you'll hear testimony from an expert professor about this
25 phenomenon.

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1 And so all was fine, all was good with this -- some of
2 these traditions, the culture within the family. His children,
3 his four daughters, his son had their lives, and that of their
4 children, their kids, his grandchildren, and although much
5 about the way that they lived and their beliefs and their
6 practices may have been different in terms of their dress, how
7 they appeared, the language they spoke, the customs, their
8 beliefs, they had their lives.

9 And while as is true for millions, tens of millions of
10 people throughout the world, that within his family -- when I
11 say his family, his extended family and whole villages and
12 regions of Pakistan, that they engage in this practice of
13 arranged marriages. You'll learn that it's not that unusual
14 throughout many different cultures of the world. It may strike
15 us as unusual. It is not amongst various types of cultures.

16 And these arranged marriages oftentimes, and in the
17 case of Mr. Choudhry's family, took place not only within the
18 Pakistan community, but within an extended family. That is,
19 one might be expected to marry a cousin, a first cousin -- a
20 second cousin within their own family, and you'll hear both
21 from witnesses as well as expert witnesses, a professor about
22 the reasons that that's the case, the reasons why families
23 traditionally culturally engaged in that type of practice.

24 And you'll learn that this had not been much of an
25 issue for his family or extended family over the years at all.

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1 There were some hiccups along the way, we're talking about
2 human beings and human nature, but that's how life was within
3 his family.

4 You'll hear and see evidence throughout the trial of
5 marriages, weddings that took place within this Pakistani
6 culture, huge celebrations where thousands, hundreds of people
7 gather in the town and village in time-honored ways and have
8 various ceremonies performed in the presence of all.

9 This, you'll see, and the way that it's celebrated is
10 very much foreign to most of us who have not looked into,
11 studied this aspect of life in Pakistan. But you will see and
12 hear testimony, important testimony in this case offered by the
13 government and by us here with regard to the traditions, the
14 separation of men and women within the culture.

15 And so, you will learn that at a certain point, as had
16 been the case with Amina Choudhry's three sisters and her
17 brother, as had been the case with her cousins and others
18 before her, within her family, her extended family, and indeed
19 the entire culture, she knew that she would be married to
20 someone who had been arranged for her since the time that she
21 was younger.

22 She was witness to the same thing with her sisters who
23 went on, as I said, to be married, to have their own children,
24 living both in quarters in Brooklyn and at the family home back
25 in this town, Chiryawala, back in Pakistan. She knew, Amina

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1 Ajmal did, about this tradition, about the expectation. She
2 talked about it with others over the years.

3 She also knew that there was this fellow, Babar --
4 excuse me. She knew that there was this fellow, Babar who had
5 been arranged as her husband, consistent with the practice of
6 her sisters before her. She also knew -- and the government
7 made reference to this -- that she had developed a certain
8 fondness for another young man, Shujat Abbas, who you will
9 learn interestingly was a cousin as well, a relative, from the
10 same village, although he lived abroad from time to time.

11 And so, the evidence will show when Amina was around
12 18 years old, living here with her father in Brooklyn, amongst
13 extended family, they began to talk more seriously about her
14 getting married, and she mentions to her father this fellow,
15 Abbas, as a possible husband.

16 Her father explained that that would not be possible,
17 because although they were cousins within the same family,
18 Abbas was not right for her and told her things about his
19 beliefs concerning Abbas and his family's character.
20 However -- and importantly, you'll also learn that during the
21 same conversations Mr. Choudhry, Amina's father, explained to
22 his daughter, that if she truly was not interested in marrying
23 her cousin, Babar, that they could talk about it and perhaps a
24 different suitor, a different arrangement, a different alliance
25 could be made for her to marry somebody else.

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1 The point is that he had a problem -- my client did --
2 with her suggestion that she wanted to marry this fellow,
3 Shujat Abbas. And while it's true the evidence will show that
4 he advised her that that was not acceptable to him and to his
5 family for reasons he explained to her, he told her, "As you
6 get closer, as we're talking more seriously about getting
7 married, if Babar you believe is not right for you, I will
8 look. We can explore the possibilities of somebody else, but
9 not Shujat Abbas."

10 In -- excuse me, in late 2009, one of Amina's cousins
11 in Pakistan, her name is Fatima, the daughter of this person
12 the government told you a little about, Ajmal Choudhry, my
13 client's -- one of my client's brothers who resided in
14 Pakistan, Fatima, who was about 20 years old and had been
15 relatively close with Amina over the years herself was getting
16 married, and Amina wanted to go to her wedding celebration in
17 Pakistan at that time.

18 She traveled with her father to Pakistan and, in fact,
19 attended this wedding celebration towards the latter part of
20 2009, where her cousin, Fatima, got married in the same style,
21 the same customs as had her sisters before her, her brother --
22 and by the way, you'll learn that although she arrived in the
23 U. S. many years earlier, she traveled -- Amina Choudhry did --
24 back and forth between the United States on various occasions
25 to attend things like this, family celebrations, weddings, the

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1 weddings, the marriage of her sisters, for example, of her
2 brother, and in this case, of her cousin.

3 You will hear varying accounts I expect during the
4 course of the trial of how it came about that Amina Choudhry
5 decided to go back to Pakistan with her father at the end of
6 2009. The government has told you they contend that this was
7 all against her will. She didn't want to be there.

8 You will hear evidence I believe in this case about
9 different stories that Amina has told to the authorities about
10 what prompted this trip to Pakistan the end of 2009. And you
11 will learn during the course of the trial, that Amina lied and
12 lied repeatedly, time after time after time after time, to
13 federal authorities, the authorities overseas in Pakistan, to
14 attorneys who were representing her interests. And you'll
15 learn not only did she lie time after time after time about the
16 story about how she went over to Pakistan and why, she lied
17 about the nature of her ongoing relationship with this fellow,
18 Shujat Abbas.

19 THE COURT: Counsel, I don't mean to interrupt you,
20 but as I told you before and I told the prosecutors, we have
21 the "mother, may I" rules about wandering from the podium.

22 MR. SOSINSKY: I apologize.

23 THE COURT: "Mother, may I wander?" The answer is
24 always no for two reasons: One, it's important that the jury
25 hear what counsel's saying. It's important that the court

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1 reporter hear it, and last and least, it's important that I
2 hear it. So please try to stay within reaching distance of the
3 microphone so that you can hear. That admonition goes to
4 prosecutors, as well.

5 Please continue.

6 MR. SOSINSKY: I will, Judge. Thank you. I
7 apologize.

8 THE COURT: Right.

9 MR. SOSINSKY: So you'll learn that in meeting after
10 meeting after meeting, Amina Ajmal lied to the government about
11 these issues. Moreover, you will learn that before the
12 meetings, the conversations took place, that it was always
13 explained to Amina that it was critically important that
14 everything she told to federal investigators, to the
15 government, be truthful, that she be honest with them about
16 everything. You'll learn that she indicated repeatedly that
17 she understood that that's the case, and that after expressing
18 that, that she lied and told them different stories about the
19 circumstances of her going over to Pakistan in 2009, the nature
20 and extent of her relationship and communications with Shujat
21 Abbas and other matters related thereto.

22 You'll also learn that during the course of, I think
23 it's about, six, seven, eight months worth of these meetings
24 and conversations with federal authorities, when she is lying
25 to them about these things, that she is discussing her lies

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1 each time she finishes speaking with the government, with who?
2 With Shujat Abbas, the person she very much wanted to be with,
3 wanted to be married to, wanted to live with and have a life
4 with.

5 To be clear, the evidence will show that after she had
6 a meeting with federal authorities, she would be in touch with
7 Shujat Abbas, who was also, you will learn, in touch, being
8 interviewed repeatedly by federal authorities, and they would
9 go over, they would rehearse, they would review with one
10 another what each had told the government during these
11 meetings. She would tell him, he would tell her.

12 You will learn further, and this is absolutely
13 critical, that before each meeting with the government began,
14 the investigators queried Amina Ajmal, they questioned her with
15 regard to, "Since we last spoke, have you had contact with this
16 fellow, Shujat Abbas?" And she would tell them yes, no,
17 whatever the case may be, and you will learn that they would
18 followup understandably, "What did you talk about with him?"
19 And that in session after session, for what amounts to I think
20 again a six, seven -- don't hold me to this, but it's an
21 extended period of time -- month period that she would tell the
22 government about certain things that she said she had spoken
23 with Shujat Abbas.

24 But she never told them, as she ultimately did, that
25 she had been going over the whole story with him. She never

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1 told the government that when she left these meetings, that her
2 and Shujat Abbas would compare notes, would rehearse what one
3 would say, would rehearse the lies that they were going to
4 continue to tell or not to tell to federal authorities, to
5 attorneys, private attorneys, and others. She never mentioned
6 any of that when she was specifically asked about that subject
7 matter. And so, as you can see, things are far more
8 complicated in terms of getting to the truth and resolving
9 doubts in this case than would appear at first blush.

10 You will hear that once she was in Pakistan at the end
11 of 2009, that Amina attended her cousin's wedding as had been
12 discussed before she got there and that at a certain point in
13 time her father did indeed come back home to the U. S., to
14 Brooklyn, and continued working as a yellow cab driver here in
15 the city. She stayed, Amina did, in the home, not for the
16 first time, but in a home where she, first of all, had grown up
17 until the age of nine or ten, and where she had stayed,
18 sometimes more extended than others, over those intervening
19 years between 1999 and 2009.

20 And you will learn over the period of time that she
21 was in Pakistan, that there was indeed pressure put upon her,
22 although not at first, to get married, to marry, to marry this
23 fellow, Babar.

24 And by the way, you'll hear, I expect, conflicting
25 accounts regarding, again, this trip to Pakistan, why she went,

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1 things like a claim that she thought it was going to be a quick
2 trip, a few weeks perhaps, and then a claim that because of
3 that, she brought essentially no clothing with her, to a claim,
4 statement, explanation to Shujat Abbas that before she went to
5 Pakistan, she brought all of her clothing with her supposedly
6 because she was going to give it away to charity, to poor
7 children in Pakistan, to a completely different statements that
8 shed light on what's going on here.

9 In any event, there was, you'll learn, pressure,
10 constant pressure, constant pull between the moral, the
11 upbringing, the culture, the custom that she grew up with, that
12 she witnessed herself. As she grew up, her sisters, her
13 brothers engage in. And her somewhat more Americanized
14 experiences here in Brooklyn. This was not, this was not an
15 involuntary situation, folks, she was not kidnapped, she was
16 not there against her will. She's a bright, young woman.
17 There were, however, undoubtedly forces at work here, pulling
18 at her, confusing her and her mind between her desire to be
19 with this other guy and everyone's expectation, as was the case
20 with the sisters, her brother and the rest of her family, to be
21 with Babar.

22 So eventually, eventually, she gives in and agrees to
23 get married, agrees to marry this fellow, Babar, her cousin,
24 always; however, knowing that it really wasn't what she wanted.
25 She wanted to be with Shujat Abbas, and that's what occurred.

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1 She's agreed to marry him. And in March 2002, you will learn
2 that that occurs. In March 2002, there is a religious
3 ceremony, and a official ceremony called a Nikah, N-I-K-A-H,
4 where in the presence of a religious figure and other witnesses
5 one gets married under their faith. And she's married to Abrar
6 Babar. There are official documents, as you would expect, that
7 were signed, registered for and signed.

8 Now, the government wants you to believe and told you
9 that one of the charges against my client is that this marriage
10 there and then the application for a visa, an immigrant visa
11 here in New York was all part of some sort of a scam, they call
12 it fraud, that there were fraudulent statements made in
13 connection with this application, that you'll learn about I
14 believe later today. It's called an I-130 form filed with
15 immigration authorities, so that people can come here lawfully.

16 However, and this is sort of where everything in this
17 case flows from, in terms of if you go along with this
18 presumption, then a lot of the other stuff makes sense, but if
19 you take a step back and examine it, as I hope you will
20 carefully during the course of the trial, you will see that not
21 everything peddled to you here by the government makes a whole
22 lot of sense.

23 This was, as you'll hear, was not some sort of an
24 immigration scam. This was a real marriage that took place in
25 a real setting, before religious figure witnesses, certificates

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1 issued. I said it was in March 2012.

2 You'll learn that thereafter, many months later, in
3 November 2012, that there was a wedding celebration, which is
4 actually a series of events that take place over the course of
5 several days. And you'll learn that there's nothing unusual
6 about that in Pakistani culture.

7 You'll learn from other witnesses sometimes that
8 people's official marriages, religious ceremonies, take place
9 in a year later, full year later. They have a wedding
10 celebrations where families, neighbors, friends, villagers
11 attend.

12 In any event, you'll learn that this is very much a
13 real marriage before religious figures, that there was
14 celebration, where upwards of a thousand people were present.
15 There was a videographer. There was a photographer. You'll
16 see some evidence of this at this trial. That there was a --
17 by some standard, a significant amount of money spent to fly in
18 people from around the world to be there to celebrate this
19 event. There was jewelry exchanged, a dowry. There was
20 furniture purchased for her and her husband to utilize in their
21 new home within his household that she participated in, that
22 Amina Ajmal participated in, not that was thrust upon her, that
23 she designed some of this jewelry.

24 All of that, consistent with a long history, culture,
25 anthropological within her family. This was not some sort of

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1 scam created for the purpose of bringing over a relative who
2 had not previously been here, and damn be his daughter, that's
3 not at all what this was.

4 Remember when that issue is to be resolved by you,
5 what the history is with this family, what had gone on in the
6 case of the sisters and the brother and the extended family.
7 This is not a question of somebody paying someone so they can
8 go to city hall and say, "Hey, we want to get married," and you
9 take a few pictures before you go to prove that you're actually
10 married, when in fact it's a big scam and someone is paying
11 someone a few hundred bucks to say that they are someone's wife
12 to gain citizenship or a green card for someone. That's not at
13 all what's going on here. The plan, the understanding, the
14 expectation for that daughter was exactly the same as it had
15 been for all of his daughters, and indeed all of his children,
16 that they would live -- they would live happy lives, they would
17 have children, grandchildren, and so on.

18 You'll learn that Amina knew of this plan since the
19 time that she was an adolescent and did understand that there
20 was nothing wrong with this within her culture at all. The
21 government charges my client with fraud in connection with that
22 visa application.

23 You'll learn that within this extended family, there
24 were times when one family member may have been back in
25 Pakistan and would request or ask another one to sign for him

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1 or her on something. You'll learn that Amina Ajmal had full
2 knowledge that there was going to be submitted following her
3 wedding, her real wedding, her real wedding celebration, this
4 petition for her real husband, and you'll learn -- the
5 government didn't mention this -- that Amina provided her
6 father with passport photographs of herself and of her husband,
7 to be utilized in connection with the application that would be
8 made on her behalf here in New York for a visa, which itself
9 takes six, nine months by current standards or more to issue.

10 So again, this is not a matter of someone pulling off
11 some sort of an immigration scam behind someone's back. You'll
12 hear there were explicit discussions about this and that she
13 went because they didn't have a recent photograph of her, and
14 she took a photograph at a market outside of this small village
15 and gave it to her family to use in connection with this visa
16 application, the one that they claim my client's guilty of
17 committing immigration fraud with.

18 You'll learn that she herself, Amina Ajmal had sworn
19 that her Brooklyn home is her legal, her lawful domicile, and
20 yet the government will contend that my client committed fraud,
21 because at the time Amina was really living in Pakistan when
22 she is swearing soon thereafter that Brooklyn has been her
23 legal domicile all along.

24 It becomes fraud because the family learns afterwards
25 that she's changed her mind about being married to someone and

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1 decided to act on this long-held desire of hers to be with
2 Shujat Abbas. I think not.

3 The evidence will show that for Amina Ajmal to be with
4 Abbas, she had to, quite obviously, leave, run off from her
5 marital home and leave Pakistan. She understood that and that
6 is what she planned. Contact the embassy, tell them an
7 account, including, in part, the lies that I made mention to
8 you about earlier. Lies about her, the nature of the
9 relationship with Abbas in order to get back to the United
10 States, and that's what occurs.

11 One night, she runs off, around dinnertime,
12 prearranged plan with this fellow, Shujat Abbas, and they make
13 their way -- sorry, Judge -- they make their way to a nearby
14 city, Lahore, in Pakistan. You'll learn she calls her family,
15 Amina Ajmal does, from the road to tell them she's in the
16 custody of the embassy, she's going back home to the U. S.,
17 and she'll be in touch with daddy, with her father when she
18 gets here. She's coming home.

19 You'll learn that although there are claims made that
20 people were being threatened, that everyone was concerned
21 immediately when she left that night, that Amina Ajmal decided
22 to spend time with Shujat Abbas in a hotel room in Lahore and
23 to go to the embassy or the consulate the next day.

24 She plans to come home to the United States, she's put
25 on a plane. You'll hear that at that time, despite everything

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1 that the government will claim went on prior to that, that her
2 plan, her intent at that point in time was to come back to the
3 United States, and to go back to be with her father, and the
4 family at their home on Foster Avenue in Brooklyn. But that
5 soon thereafter, that plan changed because she realized that
6 too many people knew that she ran away from her family, and now
7 she's worried that she couldn't go home anymore.

8 You'll learn that as would be the case with any
9 father, any parent, when my client learned that his daughter
10 had run off at night in darkness with God knows who at that
11 point in time, that he and the family were greatly concerned.
12 "How did this happen? How did she leave? Who would have done
13 this? We know she says she's in the custody of embassy or
14 consulate, but how could that be?"

15 You'll learn that there were discussions held between
16 various families, between various advisers, dignitaries, elders
17 in the community to try to get to the bottom of what was going
18 on, and no one was really getting straight stories from
19 anybody. I hope you do not forget that this is Pakistan we're
20 talking about, not Poughkeepsie. Pakistan, they don't know if
21 she's been kidnapped, being held, whether this is some sort of
22 a scam, whether someone else has scammed her. They are hearing
23 bits and pieces, but no one is sure 'cause no one is being
24 honest about what this all is, no one.

25 You will learn that within this community, Chiryawala,

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1 in this village, that not just the Choudhry family, but scores
2 of people, extended family, friends, other villagers, everyone
3 is upset, everyone is angry over what they believe has gone on.
4 There are meetings. There's attempts at mediation. There's
5 all sorts of sit-downs with elders and people, respected
6 members of the community -- and by the way, you'll hear that my
7 client and his family were respected members of this community.
8 And people are upset about this. Some are very angry.

9 And by the way, you will hear that right before this
10 is all happening, some months earlier, that the Asghar family,
11 the man who ends up getting unfortunately shot and killed on
12 February 25th, 2013, that he and his family, he and his son,
13 Shujat Abbas, were themselves embroiled with another group of
14 people, a lawsuit, a claim, a dispute over some land, and land
15 is very important -- it's important here too, but it's even
16 more important, concept of land ownership back in Pakistan, in
17 the village. He's embroiled in this dispute.

18 There are complaints in court. And you'll learn that
19 despite an order apparently issued by some sort of court over
20 there to stay away from the land, that on a given day and time,
21 Mr. Asghar and his son are on the land and they see this other
22 party, group there with firearms, with guns on their own land,
23 and there's some sort of a back and forth and threats are made
24 by these other people with guns against their life. And
25 further applications are made with regard to those threats

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1 against the Asghar family's life.

2 So, there are many people within this extended village
3 who are not happy with the situation concerning the running off
4 of my client's daughter and there's many people independently
5 who have problems with that family.

6 There'll be testimony about threats, about firings of
7 guns, presence of guns, phone calls, I ask you throughout the
8 course of this trial please be objective. My client is
9 entitled to a fair trial by fair minded, reasonable people
10 here. Please carefully scrutinize the claims with regard to
11 the importance of any particular piece of evidence. Phone
12 calls, phone calls, evidence that somebody is using a phone,
13 even from Brooklyn calling overseas, where you'll hear there
14 were 10, 15, 20 close family members and someone was doing
15 often enough is not proof that those calls concerned the matter
16 of threatening, harming, killing people.

17 When you consider the evidence that will be offered,
18 the testimony concerning what someone said or didn't say on a
19 phone call, please ask yourself at the time you hear it, does
20 this make sense given what's being described? Did it happen
21 that way?

22 Why is it that everybody who comes into a court and is
23 discussing conversations on a telephone is able to hear what's
24 being said on the other end, when they're not having a
25 conversation? Please, you'll see the evidence that I'm

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1 discussing when we get into it later today and tomorrow.

2 With regard to the date of February 25th, 2013, the
3 date as you heard earlier when there were three people shot who
4 were riding on a motorbike, a motorcycle in this village, in
5 Pakistan -- one of whom, by the way, I expect you'll be hearing
6 from on the defense case and is himself, obviously, an eye
7 witness, indisputably was shot at the same time, as was Asghar
8 and his daughter. This person, Zameer Ababs, driving that
9 motorcycle at the time, how is it that the only witnesses to be
10 called by the government in the case, by the prosecution, to
11 these events on February 25th, happened to be -- they just
12 happened to be the wife and the mother, the sister of the two
13 people killed. And these parties were not traveling together,
14 there's a motorcycle coming into the village, and the claim is,
15 no one else but the mother and daughter walking along, who just
16 happened to be in the same place at the same time and see
17 everything, but escaped unharmed, how can that be? How is it
18 that they were even there in a position to see what they
19 claimed that they saw on that date, February 25th, 2013? It
20 did not occur, the evidence will show, the way that it's been
21 described.

22 Ask yourself, whether -- during the course of the
23 trial, whether it makes sense when people can simply walk into
24 another person's home, in this case the Asghar home, just walk
25 in and confront people that if there was a desire to kill them

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1 at any point in time following other events, why that simply
2 wouldn't have taken place right then and there?

3 My client indeed spoke with his daughter when she
4 returned to the United States, the family spoke with her, some
5 of those calls were recorded. Some of them that preceded her
6 work with federal agents were not recorded. They took place
7 before she began recording calls after meeting with agents and
8 discussing what should be said and not said during these calls.
9 She contacted that home, spoke with her brother, Shakeel. She
10 contacted the home, spoke with her sister. Of course they
11 tried to call her back to speak further with her to make sure
12 that she was okay and to urge her to do what? To come home, to
13 come home to their house in Brooklyn where they were children,
14 where she had grown up.

15 You'll learn that my client, whatever else he said, he
16 denied that he was involved in these shootings that took place
17 in Pakistan, he denied, and Amina, his daughter, by the time
18 she hung up the phone in these recorded conversations, well
19 understood that he denied involvement. In fact, she asked him
20 to swear, "Do you swear that you are not involved in those
21 shootings?" And he says to her, after he has denied his
22 involvement, a number of times, "I will swear, but why are you
23 asking me to swear? I will swear," and after he swears, she
24 continues to ask him and press him, "I know you did, you must
25 have been involved."

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1 And he says to her -- and you will hear that there's
2 some significance in this culture to swearing as opposed to
3 just saying swearing on someone's deceased relative. He says,
4 "If you just had me swear and I told you, you asked me, why do
5 you keep saying to me, 'Didn't you do this? Didn't you do it?
6 Didn't you kill?'" And she presses on and says, "I know you
7 did," sitting two feet away from federal agents.

8 You'll hear throughout these phone calls, he certainly
9 told his daughter to come home. He knew that there was
10 craziness going on in Pakistan at that time. He was aware of
11 that. There's a lot of people over there that he has no
12 control over. Some of whom may be involved in his extended
13 family, some who are not, some who are villagers who knew what
14 was going on.

15 He urged her, as did every member of her family, and
16 you'll hear that she spoke -- in one conversation, same
17 conversation with him, with his brother, fellow by the name of
18 Mohammad Afzal Choudhry, words urges her the same way, "Just
19 come home. If you come home, there won't be any trouble. Just
20 come home." The very thing she said she planned to do when she
21 left and she ran off, came back to the country.

22 She keeps saying, "If I come home, you'll kill me. I
23 know you'll kill me," and you'll hear that she understood that
24 that wasn't going to happen. And indeed, every time she kept
25 pressing on, "I know you'll kill me, I know you'll kill me," he

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1 says to her, "What are you talking about? I'm not going to
2 kill you. You're not going to get killed. No one's going to
3 touch you. In fact, if you're truly worried about such a
4 thing, go to the police." He doesn't know she's sitting next
5 to federal agents, going over this script beforehand.

6 "Go to the police. Tell them whatever you're worried
7 about, Amina. Just come home. Get police protection. Tell
8 them the story and then come home." This person who they say
9 at that time is scheming day and night to kill people. "Go to
10 the police. Tell them everything. Come home to your house in
11 Brooklyn, please. Your family is here. We're dying without
12 you. Our lives are nothing. Little children, your brothers,
13 sister, the aunt who raised you, your sick aunt is dying over
14 this. You're killing us." For him, for Mohammad Ajmal
15 Choudhry, my client, he wanted his daughter to come home to
16 Brooklyn.

17 He says many other things on tape, and undoubtedly
18 you'll hear them -- you'll hear them later today I expect.
19 He's not proud, I'm certainly not proud of whatever he said on
20 those tapes, but he said what I just told you, you'll hear that
21 as well.

22 And I ask you during the course of the trial, when you
23 try to make sense of everything, please do not apply different
24 rules for the government than you would in regular life. If
25 the argument is what he saying is true, then it has to be true

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1 throughout. If it's that it's not true, they can't just pick
2 and choose when he denies involvement and argue well of course
3 he did it. That's not right, that's not fair. Listen to the
4 remainder of the evidence and it will be up to you of course to
5 decide what is true, what is not, what is fair, what is not.

6 The government, as I began by saying, has the burden
7 of proving these charges they brought against that man to the
8 highest standard under American law, the Judge told you, beyond
9 a reasonable doubt. I'm not going to spend a minute talking
10 about that standard because Judge Kuntz, at the end of the
11 trial, will explain what it means and what it doesn't mean.
12 But it is that highest standard that protects any one of us,
13 all of us, from accusations brought by a government body.

14 And I ask that you extend that protection, that you
15 hold true to your oaths, that you follow the law as Judge Kuntz
16 has given it to you, and will give you throughout the course of
17 the trial that you presume my client to be innocent, the same
18 protection that would apply to you, family member or a friend
19 if, God forbid, they were accused of a crime.

20 Do not -- I beg you -- do not allow sympathy or
21 prejudice to play any role here. We're all human beings. We
22 all have feelings. We're entitled. Of course, sympathy cannot
23 play a role in a courtroom. It's that simple. You must be
24 objective, dispassionate fact finders, right? Otherwise, you
25 can decide things based on things that are not evidence, but

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1 based on feelings and feeling bad about things.

2 And I'm confident that if you do that, when I stand up
3 here at the end of the trial and we see what went on, what the
4 evidence is what you can believe or disbelieve, that you should
5 have very reasonable doubts about, you will find my client not
6 guilty of each of the charges brought against him.

7 You may not like him. You may. You may not like him.
8 You may view his world and their world as very, very different
9 than your world, my world. But if they don't prove the charges
10 against him beyond any reasonable doubt, he's entitled to that
11 verdict.

12 Thank you very much, folks.

13 THE COURT: All right. We have just had opening
14 statements, which is, as you know, are not evidence. I will
15 now ask the government to call its first witness.

16 MS. HECTOR: Your Honor, the government calls Seemab
17 Asghar.

18 THE COURT: Could you spell that for the reporter,
19 please?

20 MS. HECTOR: Sure. It's S-E-E-M-A-B, A-S-G-H-A-R.

21 THE COURT: Thank you.

22 Please come forward and be sworn.

23 (Witness sworn.)

24 THE COURT: Please be seated, ma'am. Good morning.
25 I'm Judge William Kuntz. I'm going to ask you to speak very

S. ASGHAR/DIRECT/HECTOR

1 clearly into the microphone. That won't bite you. It's okay.
2 And would you state your name and spell it for the reporter.
3 And then counsel will have some questions for you, okay?

4 So what's your name?

5 THE WITNESS: Seemab Asghar.

6 THE COURT: Thank you. And would you spell it for the
7 court reporter, please?

8 THE WITNESS: My name?

9 THE COURT: Yes.

10 THE WITNESS: The first name is S-E-E-M-A-B and the
11 last name is A-S-G-H-A-R.

12 THE COURT: Thank you. If you'd like some water, you
13 can help yourself right there, and now you'll have some
14 questions from the prosecutor.

15 Go ahead.

16 DIRECT EXAMINATION

17 BY MS. HECTOR:

18 Q Good morning, Ms. Asghar.

19 A Good morning.

20 Q I'd like to start by showing you some pictures. They will
21 come up on your screen.

22 MS. HECTOR: Mr. Jackson, if you wouldn't mind just
23 showing these to the witness at this point?

24 THE CLERK: (Complies.)
25

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S. ASGHAR/DIRECT/HECTOR

1 BY MS. HECTOR:

2 Q Ms. Asghar, if you look at your screen, I'm showing you
3 what's been marked for identification as Government's Exhibit
4 17, 18, 19, 20, 22, 23, and 2.

5 I'll start with 17, and I'm just -- if you could just
6 take a look, Ms. Asghar, and then I'm going to flip to the next
7 one and then I'll ask you some questions.

8 THE WITNESS: (Complies.)

9 MS. HECTOR: Showing her Government 17, 18, 19, 20,
10 22, 23, and 2, if you could just look at that one for a second.

11 THE WITNESS: (Complies.)

12 BY MS. HECTOR:

13 Q Ms. Asghar, do you recognize these photos that I have just
14 shown to you?

15 A Yes.

16 Q Are they photos of your family members?

17 A Yes.

18 Q Do they fairly and accurately depict how your family
19 members look?

20 A Yes.

21 Q And the last one I showed you, Government Exhibit 2, does
22 that fairly and accurately depict the familial relationship
23 between your family members?

24 A I have to look over it, the picture. I want to see clearly.

25 MS. HECTOR: She wants to see clearly. She's looking

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1 over it.

2 A Yeah, it's correct.

3 MS. HECTOR: The government moves to admit 17 through
4 20, 22, 23 and 2, as well as 2A, which is a larger version of
5 2.

6 THE COURT: Any objection?

7 MR. SOSINSKY: Yes, sir. Objection.

8 THE COURT: What is your objection to, all of them?

9 MR. SOSINSKY: Yeah.

10 THE COURT: I'm asking you, you're objecting to all of
11 them?

12 MR. SOSINSKY: I'm objecting to the photographs only,
13 not the chart itself and the information.

14 THE COURT: Okay. The objection is overruled.

15 You may publish to the jury.

16 MS. HECTOR: Thank you.

17 THE COURT: And by publish to the jury, I'll explain
18 to the jury, it's just a technical term. It just means you can
19 see it.

20 (Exhibit published to the jury.)

21 THE COURT: All right. We have that big screen in the
22 back so those of you in the back row of the jury can look
23 there. We have the television screen, a little teleprompter,
24 in front of you in the front row, and if you look to your
25 right, ladies and gentlemen of the jury, once a document is

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1 admitted into evidence, you can look to that screen as well.
2 So, those are your three visions. That's why I have the
3 "Mother, may I" rules. I don't have the lawyers wandering up
4 and down and showing you pieces of paper as they do on Perry
5 Mason or MacGyver or all the other old shows, all right?

6 MS. HECTOR: Your Honor, just for the record, I also
7 move to admit this blown-up family chart as 2A?

8 THE COURT: You did indicate that you wanted it
9 admitted and I did admit it, so it's in.

10 MS. HECTOR: Thank you.

11 THE COURT: You can show it to the jury.

12 MS. HECTOR: Thank you, Your Honor.

13 (Exhibit published to the jury.)

14 BY MS. HECTOR:

15 Q Ms. Asghar, I'd like to start by showing you Government
16 Exhibit 18. Can you tell the jury who this person is?

17 A She's my mother.

18 Q What is her name?

19 A Rukhsana Kousar.

20 THE COURT: I'm going to ask you to spell that for the
21 reporter.

22 THE WITNESS: Sure, R-U-K-H-S-A-N-A, is a first name,
23 and the last name, K-O-U-S-A-R.

24 THE COURT: Thank you.

25

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1 BY MS. HECTOR:

2 Q Ms. Asghar, I'm showing you Government Exhibit 17. Do you
3 recognize the person in this photo?

4 A (Examines photo.) Yeah, he's my father. His name is
5 Muhammad Asghar, M-U-H-A-M-M-A-D, and the last name is
6 A-S-G-H-A-R.

7 Q Ms. Asghar, is your father, Mohammad Asghar, still alive?

8 A No, he is not.

9 Q Was your father murdered?

10 A Yes.

11 Q How old was your father when he was murdered?

12 A He was more than 60.

13 Q Okay. I'm showing you the photo that's marked Government
14 Exhibit 22. Do you recognize that photo?

15 A (Examines photo.) Yeah, that's my picture. That's my
16 photo.

17 Q I'm now showing you Government Exhibit 23. Do you
18 recognize that photo?

19 A (Examines photo.) She's my sister.

20 Q What is her name?

21 A Nayab Asghar, N-A-Y-A-B, and last name is A-S-G-H-A-R.

22 Q Showing you what's been marked as Government Exhibit 19.
23 Do you recognize that person?

24 A (Examines photo.) He is my brother. Shujat Abbas,
25 S-H-U-J-A-T, and the last name is A-B-B-A-S.

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1 Q And showing you what's been marked as Government Exhibit
2 20. Do you recognize this photo?

3 A (Examines photo.) She's my sister, Abida Asghar, A-B-I-D-A,
4 the first name, and the last name is A-S-G-H-A-R.

5 MS. HECTOR: If I could just show the witness this one
6 additional photo that I'm going to move to admit?

7 THE COURT: Yes. Publish it just to the witness in
8 the first instance.

9 BY MS. HECTOR:

10 Q Ms. Asghar, do you recognize the person in this photo?

11 THE WITNESS: There's nothing in my screen. Oh, yeah.

12 THE COURT: Nothing?

13 All right, Mr. Jackson, would you please take the
14 photo from counsel and bring it to the witness stand. Do not
15 show it to the jury.

16 THE CLERK: (Complies.)

17 THE COURT: During the lunch break, I will have a
18 private chat with our techie.

19 THE CLERK: (Complies.)

20 THE COURT: Okay. What is the number that you placed
21 before the witness?

22 MS. HECTOR: I believe it's 21.

23 BY MS. HECTOR:

24 Q Does that have a 21 on it, Ms. Asghar?

25 A It's 21.

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1 THE COURT: The question, ma'am, is: Do you know
2 what that is?

3 THE WITNESS: I'm sorry?

4 THE COURT: Do you know what that picture is?

5 THE WITNESS: Yeah.

6 THE COURT: What is it?

7 THE WITNESS: She's my sister, Madeeha Asghar.

8 THE COURT: Would you spell her name, please?

9 THE WITNESS: SURE. M-A-D-E-E-H-A, and the last name
10 is A-S-G-H-A-R.

11 MS. HECTOR: The government moves to admit Government
12 Exhibit 21.

13 THE COURT: Any objection?

14 MR. SOSINSKY: Same objection.

15 THE COURT: Overruled. It's admitted, you'd may
16 publish it to the jury, hopefully on the screen.

17 MR. TUCKER: My apologies, Your Honor. Sometimes if
18 the screen goes to sleep and if you tap on it, it will turn
19 back on again. So that's what we're endeavoring to do right
20 now.

21 THE COURT: Will it wake up if I yell at it like Lord
22 Vader?

23 MR. TUCKER: Probably it will work.

24 THE COURT: I'll do whatever it takes. There we go.
25 May the force be with you, screen.

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1 All right. Let's go.

2 (Exhibit published to the jury.)

3 BY MS. HECTOR:

4 Q Ms. Asghar, I'm showing you Government Exhibit 21. Who is
5 the person depicted in this photo?

6 A She's my sister, Madeeha Asghar.

7 Q Is Madeeha Asghar still with us?

8 A She's not a part of earth anymore.

9 Q Was she murdered?

10 A Yeah.

11 Q How old was Madeeha Asghar when she was murdered?

12 A She was 22 or 23, in the new year.

13 Q I'm showing you what's been marked as Government Exhibit 2,
14 which 2A is also before the jury. Does this chart depict the
15 family relationship between your mom and your dad and your
16 siblings?

17 A Yes.

18 Q And is it fair to say that you have -- you're one of five
19 siblings?

20 A Yes.

21 Q Who is the youngest?

22 A Youngest, Nayab Asghar.

23 Q Is that the person I'm pointing to here?

24 A Yes.

25 Q Who is the second youngest?

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1 A It's me, Seemab Asghar.

2 Q Who is the third one?

3 A Madeeha Asghar.

4 Q That's the person who is no longer with us?

5 A Yes.

6 Q Who is the fourth youngest?

7 A Abida Asghar.

8 Q And who is the oldest child?

9 A Shujat Abbas, my brother.

10 Q And these are your parents, Rukhsana and Mohammad Asghar?

11 A Yes.

12 Q Ms. Asghar, did your brother go by any nicknames?

13 A Yes.

14 Q What nicknames did he use?

15 A Shoshi.

16 THE COURT: Could you spell that, please?

17 THE WITNESS: I'm not pretty sure how to spell it,
18 just S-H-O-S-H-I.

19 BY MS. HECTOR:

20 Q Ms. Asghar, where were you born?

21 A I was born in Dubai.

22 Q Is that a city in a particular country?

23 A Yes.

24 Q What country is Dubai in?

25 A It's the UAE, United Arab Emirates.

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S. ASGHAR/DIRECT/HECTOR

1 Q Is the United Arab Emirates a country in the Middle East?

2 A Yes.

3 Q Did you grow up in the UAE?

4 A Yes.

5 Q While you were growing up in the UAE, who did you live
6 with?

7 A My parent and my siblings.

8 Q Is it fair to say it's all the people that are depicted on
9 Government Exhibit 2?

10 A Yes.

11 Q Were all your siblings born in the UAE?

12 A Yes.

13 Q At some point, did members of your family move away from
14 the UAE?

15 A Yes.

16 Q Where did you move to?

17 A We moved to Pakistan, it's the country my parent.

18 Q Did you move to a particular village or place in Pakistan?

19 A Yes.

20 Q What is that place called?

21 A Chiryawala.

22 THE COURT: Who you spell that, please?

23 THE WITNESS: Sure, C-H-I-R-Y-W-A-L-A.

24 BY MS. HECTOR:

25 Q Is Chiryawala a village or is it a city, how would you

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1 describe it?

2 A It a village.

3 MS. HECTOR: I'd like to show the witness only what's
4 been marked as Government Exhibit 31?

5 THE COURT: Can you see it, ma'am?

6 THE WITNESS: Yes.

7 BY MS. HECTOR:

8 Q Is this a map that depicts where Pakistan is and where the
9 UAE is?

10 A Yes.

11 MS. HECTOR: The government moves to admit Government
12 Exhibit 31.

13 THE COURT: Any objection?

14 MR. SOSINSKY: No objection, sir.

15 THE COURT: It's admitted. You may publish.

16 (Exhibit published to the jury.)

17 BY MS. HECTOR:

18 Q Miss Asghar, where on this map is the UAE? You can
19 describe it if it's in a corner or, for instance, describing
20 whether to the left or right side or top or bottom?

21 THE COURT: Actually, if you touch the map and point,
22 it will show up I think.

23 THE WITNESS: Can I?

24 THE COURT: Yes, you may.

25 THE WITNESS: (Complies.)

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1 THE COURT: Is that not working for you? Yeah, there.

2 MS. HECTOR: It did, there's a little --

3 BY MS. HECTOR:

4 Q Is it fair to say that that's the country of the United
5 Arab Emirates?

6 A I'm sorry, say that again?

7 Q Is it fair to say that where you just put the pointer in
8 the lower left-hand corner of this page, that that's the UAE or
9 United Arab Emirates?

10 A Yes.

11 Q Okay. And can you point to where Pakistan is?

12 A Sure. (Complies.)

13 Q Thank you, Ms. Asghar.

14 So, when your family moved from the UAE to Chiryawala
15 in Pakistan, did your entire family move to Chiryawala?

16 A Except my father and my brother. Like we all four sisters
17 and my mother, we all moved back to Pakistan.

18 Q Why did your father stay in the UAE at that time?

19 A Because he had the job there, for his work purpose he
20 stayed in Dubai.

21 Q Do you know what kind of work your father did?

22 A I just know it was something like that is called shovel.
23 It's a machine, construction like work. So I don't know
24 exactly what his work was, but it's something related to
25 construction.

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1 Q And about how old were you when you and your mom and your
2 sisters moved from the UAE to Chiryawala in Pakistan?

3 A I was, I believe, nine years old.

4 Q And after you moved, did you start attending school in
5 Chiryawala?

6 A No, not in Chiryawala, in another town.

7 Q Is that also in Pakistan?

8 A It just considered as in Pakistan, but it is in -- actually
9 in Kashmir.

10 Q And you would travel back and forth from school every day?

11 A Yes.

12 Q Okay. Now, at some point, while you were living in
13 Chiryawala, did you meet someone named Amina Ajmal Choudhry?

14 A Yes.

15 Q Do you remember when you first met Amina?

16 A Yes.

17 Q When did you first meet her?

18 A Actually, was the marriage ceremony of her sister, two of
19 her sisters, so, we were invited to the marriage, so I went
20 there -- there myself.

21 Q Do you remember which of her sisters were getting married?

22 A I remember both -- one of them, one of them that her name
23 is Yasmin Ajmal, and I'm just confused with the name of the
24 other girl.

25 Q Did both the sisters get married at the same time?

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1 A Yeah.

2 Q And do you know who Yasmin Ajmal married?

3 A Yes.

4 Q Who did she marry?

5 A Amir Shahzad, that's the name of the groom.

6 Q Amir Shahzad?

7 A Yes.

8 Q Is that spelled A-M-I-R, S-H-A-H-Z-A-D?

9 A Yes.

10 Q Did you socialize with and talk to Amina during that
11 wedding celebration?

12 A Yes.

13 Q Do you remember approximately what year that wedding took
14 place?

15 A Maybe -- I'm not sure, like before 2010, in my knowledge,
16 so I'm not sure what year.

17 Q Before you had met Amina at that wedding, did you know
18 other members of Amina's family?

19 A Yes.

20 Q Who was Amina's father?

21 A Mohammad Ajmal Choudhry.

22 Q Who was Amina's mother?

23 A She was not alive, so I don't know what her name -- I don't
24 know her name.

25 Q Did Amina have any other siblings?

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1 A You mean her sisters and brother? Yes, she did.

2 Q Okay. Now, you mentioned that two of her siblings, two
3 sisters were getting married when you first met Amina, did she
4 have other siblings in addition to those two sisters?

5 A Yes, she has one brother and a little sister, so all
6 together there are four sisters and one brother.

7 Q Do you know what her brother's name was?

8 A I just know about him from his first name, Shakeel.

9 Q Did Amina have any uncles?

10 A Yes.

11 Q Do you know the names of Amina's uncles?

12 A Yes. One is Afzal and the other one is Akmal.

13 THE COURT: Would you spell that for the reporter,
14 please?

15 THE WITNESS: Sure.

16 THE COURT: And speak into the microphone as close as
17 you can and keep your voice up, all right?

18 THE WITNESS: All right.

19 THE COURT: Thank you.

20 THE WITNESS: Afzal is A-F-Z-A-L, and Akmal is
21 A-K-M-A-L.

22 BY MS. HECTOR:

23 Q Now, you previously referred to Amina's father as Mohammad
24 Ajmal Choudhry?

25 A Yes.

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1 Q If it's okay with you, I'm going to refer to him as Ajmal.
2 Will you understand who I'm talking about?

3 A It's okay.

4 Q Okay. So, just to be clear, Amina's father is Ajmal, and
5 Ajmal has two brothers who are named Akmal and Afzal?

6 A Yes.

7 Q Okay. Did you Amina have any aunts?

8 A Yes.

9 Q What was her aunt's name?

10 A I know about her first name, Naseem, N-A-S-E-E-M.

11 Q Okay. Are you -- is your family related in any way to
12 Amina's family?

13 A We were not relative.

14 Q If you went back in your family multiple, multiple
15 generations, is there a connection between your two families
16 familially?

17 A Yeah, if you go so far there is a relationship, but now
18 we're not so close relatives.

19 Q How would you describe Amina's family in Chiryawala?

20 MR. SOSINSKY: Objection to the form of question.

21 THE COURT: Overruled.

22 THE WITNESS: They are political family, that's what I
23 know about them. Her Uncle Afzal was in politics. So, that's
24 what I know about them.

25

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1 BY MS. HECTOR:

2 Q Based on your understanding, when you were living in
3 Chiryawala, do you consider Amina's family to be a powerful
4 family?

5 MR. SOSINSKY: Objection to the form.

6 THE COURT: Overruled.

7 THE WITNESS: Yes.

8 BY MS. HECTOR:

9 Q What made them powerful?

10 MR. SOSINSKY: Objection.

11 THE COURT: Overruled.

12 THE WITNESS: They are political, because that's
13 what -- if I were just say -- because I just want to explain
14 how I think about them, they're strong and they're wealthy, I
15 mean powerful. They had a part actually in politics. That's
16 what I know.

17 MR. SOSINSKY: Objection, Your Honor.

18 THE COURT: Overruled.

19 BY MS. HECTOR:

20 Q Did any of Amina's family members reside in the United
21 States?

22 A Yes.

23 Q In the Village of Chiryawala, what does it mean to have
24 family members that reside in the United States?

25 MR. SOSINSKY: Objection to the form.

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1 THE COURT: Overruled.

2 THE WITNESS: There is just considered as a Middle
3 East mentality than someone is in Europe or is in America. So,
4 they were considered to be as more wealthy in comparison to any
5 other person -- another person of the village. So, they were
6 in America and are wealthy and powerful, that was because they
7 were in politics. So in my understanding, it's one of two
8 reasons.

9 BY MS. HECTOR:

10 Q Okay. I'd like to focus on Afzal for a second.

11 A Sure.

12 Q And you said that Afzal is Ajmal's brother, is that right?

13 A Yes.

14 Q Okay. Did anyone refer to Afzal as anything other than the
15 name Afzal?

16 A Yes.

17 Q What did they refer to Afzal as?

18 A Nazam, N-A-Z-A-M.

19 Q What does Nazam mean?

20 A So, Nazam is the title of the political seat. So, the
21 person who's upon the seat is called a Nazam.

22 Q Is that an elected position in Pakistan?

23 A Yes, it is.

24 Q Who votes on that position?

25 A The votes are from the public or from what's called the

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1 Nazam has a political position.

2 Q Is there a specific area that the Nazam is in charge of?

3 A Yes.

4 Q What area is that?

5 A It's a beautiful village between --

6 THE COURT: Hang on. Slow it down, a little bit
7 louder, so that everyone can hear it and understand it. So,
8 I'm sorry. Just keep your voice up. Okay.

9 THE WITNESS: So --

10 THE COURT: Pull the mic to you.

11 THE WITNESS: All right. It includes the village from
12 where he is and neighboring villages, like four or five, I'm
13 not sure how many villages it includes, but they are political.

14 Q So for Afzal in particular, when you say that that included
15 the village from where he is, that's the Village of Chiryawala?

16 A Yes.

17 Q And that would include being in charge of Chiryawala, as
18 well as the villages surrounding Chiryawala?

19 A Yes.

20 MR. SOSINSKY: Object to the form, "in charge."

21 THE COURT: Why don't we switch court reporters now?
22 You ready to do that?

23 Okay. We are going to take two minutes. Should we
24 take a comfort break now? Can we do that, and we'll taken a
25 ten-minute comfort break, all right? We'll switch court

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1 reporters and we will continue. Sorry to interrupt the
2 examination, but there you have it.

3 (Jury exits.)

4 THE COURT: You may step down, ma'am. Don't talk with
5 anyone about your testimony during the break. You may step
6 down.

7 About ten minutes, okay? Thank you.

8 (Recess.)

9 (Continued on the next page.)

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1 (In open court, outside the presence of the jury.)

2 THE COURT: Can we have the witness resume the stand
3 and we'll bring the jury in.

4 Do we have any issues before we bring the jury in?

5 MS. HECTOR: One small thing, your Honor.

6 We realized that when we put the Government's
7 Exhibit 2 in, which is the small version of this chart, the
8 version is mistakenly missing one of the pictures.

9 We talked to Mr. Sosinsky about it and he agrees to
10 stipulate to put the correct version of -- the correct small
11 version of Government's Exhibit 2 into evidence which just
12 replaces the picture to match what is on the larger chart.

13 THE COURT: Is that correct, sir?

14 MR. SOSINSKY: Yes, sir.

15 THE COURT: The larger chart being 2A which is also in
16 evidence, is that correct?

17 MS. HECTOR: Yes.

18 THE COURT: Fine.

19 Okay.

20 MR. SOSINSKY: With the same objection I noted
21 earlier.

22 THE COURT: Which is the same ruling; overruled.

23 MR. SOSINSKY: I figured as much. You never know.

24

25 Persistence.

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1 THE COURT: You never know.

2 The hobgoblin.

3 (Jury in at 11:55 a.m.)

4 (Witness resumed the stand.)

5 MR. TUCKER: Your Honor, when is the Court planning to
6 break for lunch today?

7 THE COURT: How much longer do you anticipate for
8 direct?

9 MS. HECTOR: This witness will probably about another
10 hour and a half.

11 THE COURT: Why don't we plan then to break at about
12 12:20 which will be another half hour, just about that and then
13 we'll resume.

14 Is that acceptable to everyone?

15 MS. HECTOR: Yes, sir.

16 MR. SOSINSKY: Yes.

17 MR. TUCKER: Thank you, your Honor.

18 THE COURT: Then we'll resume at 2:00 or 2:15,
19 something like that.

20 (Jury in at 11:55 a.m.)

21 THE COURT: Thank you, ladies and gentlemen of the
22 jury. Please be seated, and others be seated as well.

23 We are going to continue with examination of the
24 witness. We'll go until about 12:15 or 12:20 and we'll break
25 for lunch and then we'll be back here at 2:10 just for your

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1 planning purposes because we have a bit longer time period.

2 Ma'am, I asked you not to speak with anyone about your
3 testimony during the break.

4 Did you talk about your testimony with anyone during
5 the break?

6 THE WITNESS: No.

7 THE COURT: Okay, fine.

8 Please continue.

9 Q Ms. Asghar, when we took the break, I was asking you
10 questions about Afzal and the position of Nazim.

11 A Right.

12 Q What types of responsibilities does the Nazim have in
13 Pakistan?

14 A In my understanding Nazim has to get the funds from
15 government to construct the schools, roads. That's what I know
16 about the political responsibilities.

17 Q Does the Nazim have any responsibilities with respect to
18 family or personal disputes?

19 A That is not from the government. So there is a thing
20 called Punchaid.

21 Q Is Punchaid spelled P-U-N-C-H-A-I-D?

22 A Yes.

23 Q Please continue.

24 A So this is not an eager thing that he has to do. It's not
25 a part of his job description. This is like out of the court,

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1 people to solve the problems in the Punchaid and Nazim is the
2 person who is in charge of the Punchaid.

3 Q So I'll ask you a few questions about the Punchaid in a
4 second.

5 Do you know how many years Afzal held the position of
6 Nazim?

7 A I think it's around 10 years.

8 Q Who was elected to the position of Nazim after Afzal?

9 A I have no idea. I just heard about Javed was going to
10 be the next Nazim.

11 Q Is Javed a familial relation to Afzal?

12 A They are first cousins.

13 Q After Afzal stopped being the Nazim formally, did people
14 still refer to him as the Nazim?

15 MR. SOSINSKY: Objection to the form.

16 THE COURT: The objection is overruled.

17 After there is an objection, just let me rule on it
18 before you answer to give me a moment to pause.

19 Go ahead.

20 Q You referred to the Punchaid. What is your understanding
21 of what the Punchaid is?

22 A So in my understanding, when people from Chiryawala
23 village, they have issues within a family like interfamily
24 issues, so instead of going to the court to solve them, just
25 for example, diverse issues, those kind of things, so instead

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1 of going to court, they always go to Punchaid.

2 Q How many people are part of the Punchaid?

3 A Originally Punchaid, it means like five people conference
4 but it just depends on the person who is in charge of the
5 Punchaid and he allows the people to be a part of the Punchaid.

6 Q While you were living in Chiryawala, who did you understand
7 to be members of the Punchaid?

8 MR. SOSINSKY: Objection.

9 THE COURT: Overruled. She is testifying about her
10 understanding.

11 Go ahead.

12 A So far, what I know about the people who were the part of
13 the Punchaid when I was in Pakistan in Chiryawala, was Afzal,
14 Javed, and Mazhar.

15 Q Is Mazhar a familial relation to Javed?

16 A Yes.

17 Q Is Mazhar a familial relation to Ajmal's family?

18 A Yes.

19 Q Are you familiar with the term caste?

20 A Yes.

21 Q Can you describe what a caste is?

22 A In my understanding, caste is -- I don't know when it was
23 originated, when it was started, but caste is kind of division
24 of the whole village into categories. The upper one is, means
25 the top one is superior and then inferior and then inferior.

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1 So it's basically a regional peoples who are living in
2 Chiryawala.

3 What caste was Amina's family in?

4 MR. SOSINSKY: Objection to the form.

5 THE COURT: Overruled.

6 A It's the least caste in Chiryawala.

7 Q What about your family?

8 A My family is from the same caste.

9 Q I'd like to turn back to that time you were describing when
10 you first met Amina at her sister's wedding.

11 Okay?

12 A Sure.

13 Q Did your whole family attend the wedding of Amina's two
14 sisters?

15 A Yes.

16 Q At that time, was it --

17 A Can I go back to the answer?

18 Q Certainly.

19 A Not my father, he was in Dubai.

20 Q At that time, was it typical for your family to attend
21 weddings in Amina's family?

22 A I don't understand your question. Can you clarify.

23 Q Yes.

24 At that time in your life, was it typical for your
25 family to be invited to weddings of Amina's family members?

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1 THE COURT: By typical, she means usual, ordinary.

2 A Ordinary, yes.

3 Q Where did that wedding celebration take place?

4 A So like in Pakistani culture, marriages are divided into
5 different, let's say, categories. So part of it took place in
6 our home and then the rest took place in Ajmal's home.

7 Q Why did some of the wedding celebration for Amina's sisters
8 take place in your home?

9 A So in our culture, like the groom's friend, he will -- he
10 invites the friends and other relatives of the groom into his
11 home and my brother Shujat Abbas was a friend of Amir Shazad,
12 one of the grooms.

13 Q So because your brother was a friend of a Amir Shazad, your
14 brother hosted some of the wedding?

15 A Yes.

16 Q About how old were you when you first met Amina?

17 A I'm not sure but 16.

18 Q And is Amina older or younger than you?

19 A She is older than me.

20 Q Do you know about how many years older?

21 A She is my older sister's age, so like three years in front
22 maybe. I'm not sure really.

23 Q During that time when you first met her at her sister's
24 wedding, if you know, was Amina living in Pakistan?

25 A She visited Pakistan. She was in America before.

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1 Q Was Amina married when you first met her?

2 A No.

3 Q Did you and Amina discuss whether Amina was promised in
4 marriage to anyone?

5 A Yes.

6 Q What was that discussion?

7 A It was a set up marriage and the guy named Abrar Ahmed
8 Baber.

9 So he walk by the girl's family at that time and
10 Amina, she said: Look at this guy, he is so shorter than me
11 and my family wanted me to marry him.

12 Q After the wedding, do you know whether Amina continued to
13 stay in Pakistan or whether she went back to the United States?

14 A She went back to the United States.

15 Q Did you communicate with her at all after she went back?

16 A Yes.

17 Q Did you communicate frequently or infrequently?

18 A Infrequently.

19 Q During the times that you would communicate with Amina, how
20 would you communicate?

21 A Through phones.

22 Q At some point, did you become aware of an issue between
23 your family and Amina's family?

24 A Yes.

25 Q Do you remember where you were when you first became aware

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1 of an issue?

2 A I was over at her home, in the living of her home, sitting
3 with my sister and my mother.

4 Q Who did you first hear about the issue from?

5 A Nassem.

6 Q Is that the Nassem that you described previously as Amina's
7 aunt?

8 A Yes.

9 Q To your understanding, what was the issue between your
10 family and Amina's family?

11 MR. SOSINSKY: Objection, your Honor.

12 THE COURT: Overruled.

13 A So it was an issue with regard to phone calls. And in my
14 understanding, she said my brother Shujat Abbas is making phone
15 calls to Amina. They both are talking to each other on the
16 phone.

17 Q In Chiryawala, and within your culture, what was -- what
18 did people generally think about communications between young
19 men and young women?

20 MR. SOSINSKY: Objection to form.

21 THE COURT: You can give your understanding of your
22 views. You don't know people what thought. I'll limit the
23 question to her views.

24 A There are different views of the people about if it is
25 acceptable or it is not acceptable.

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1 Q At that time, did you have any personal knowledge about
2 whether Amina and Shujat were communicating?

3 A I didn't know that they are communicating with each other
4 but I thought it's me who is making phone calls with Amina and
5 probably it's a misunderstanding. They thought this was Shujat
6 instead of me.

7 So I thought it was my phone calls that are making a
8 problem, that made an issue.

9 Q Was that around the time that you were talking on the phone
10 to Amina from the United States?

11 A Yes.

12 Q When you first learned about an issue between your family
13 and Amina's family, was Shujat living in Pakistan?

14 A Yes, he was there.

15 Q What about your father, was your father in Pakistan at the
16 time?

17 A No.

18 Q How did you personally feel when you first heard about the
19 issue?

20 MR. SOSINSKY: Objection.

21 THE COURT: Overruled.

22 A It was a sort of mixed situation, like I was scared to
23 because I thought this is a misunderstanding and it can put my
24 brother in a trouble.

25 Q Did you notice anything about Shujat's friends at the time?

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1 MR. SOSINSKY: Objection.

2 THE COURT: Overruled.

3 A Amir was cut off from his friend that know about him. He
4 didn't talk to him anymore, so that's what I realized about his
5 friends.

6 Q Are you referring to Amir Shazad?

7 A Yes.

8 Q Is that the same Amir Shazad who was then married to
9 Amina's sister as you previously described?

10 A Yes.

11 Q After you learned about this issue, did Shujat continue to
12 live in Pakistan?

13 A No.

14 Q Where did he go?

15 A He went to Dubai.

16 Q Over the next couple of years, can you describe your
17 relationship generally from your perspective with Amina's
18 family?

19 A So we were kind of close friends to each other's families,
20 like visiting every day to once in a month, like the sparse
21 occasions when we saw each other, these were the marriages. So
22 when I said marriages, it doesn't mean that particularly from
23 their family and from our family. So there was a marriage of
24 other villagers.

25 Q Would you see them, would you see members of Amina's family

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1 at the marriages of other villagers?

2 A Yes, I saw the girls.

3 Q What did you observe about the interaction between your
4 family and Amina's family at that time?

5 A Well, they were not talking to us anymore like the way they
6 used to before.

7 Q They were or they were not?

8 A They were not.

9 Q Now during the years that you and your family were in
10 Chiryawala and your father was still in the United Arab
11 Emirates, would your father come to Pakistan to visit you all?

12 A Yes.

13 Q At some point, did your father move from the United Arab
14 Emirates to Pakistan permanently?

15 A Yes.

16 Q Do you know why he moved when he did?

17 A So whatever I learned from the conversation with my mom and
18 my father --

19 MR. SOSINSKY: Objection, your Honor.

20 Q I'll stop you right there.

21 Do you know when your father approximately moved from
22 the United Arab Emirates to Pakistan?

23 A I think it was 2011.

24 Q And after your father moved from the United Arab Emirates
25 to Pakistan, what did your father do for a living in

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1 Chiryawala?

2 A My brother was dealing Dubai because my father used to have
3 his business in the wine but then my father when he moved back
4 to Pakistan, he made a cattle farm.

5 Q A cattle farm?

6 A Yes.

7 Q Where was the cattle farm in relation to your house?

8 A It was in the same village in Chiryawala but you could say
9 10 or 15 minutes walk.

10 Q Ms. Asghar, to your knowledge, were you aware of any
11 financial problems that your father had in the United Arab
12 Emirates?

13 A No, I don't know.

14 Q At some point, did you learn that Amina had gotten married?

15 A Yes.

16 Q Approximately when did you learn that?

17 A It was in 2012. I don't remember the month but it was
18 summer, I believe.

19 Q Do you know who Amina got married to?

20 A Abrar Ahmed Baber.

21 Q Was that was same Abrar Ahmed Baber that Amina had pointed
22 out to you at her sister's wedding?

23 A Yes.

24 Q Were you invited to any part of Amina's wedding ceremony or
25 celebration?

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1 A No.

2 Q Do you know whether any people in your family, in your
3 immediate family were invited to Amina's wedding celebration?

4 A You mean the family that is staying with me in the same
5 house?

6 Q Yes.

7 A No.

8 THE COURT: Do you know or is the answer they were not
9 invited?

10 THE WITNESS: They were not invited.

11 THE COURT: Do you know questions can be confusing, so
12 let's try to avoid them.

13 MS. HECTOR: I apologize, your Honor.

14 THE COURT: That's all right.

15 Q Ms. Asghar, at some point did you find out that Amina had
16 left the village?

17 A Yes.

18 Q Do you remember when that was approximately?

19 A Beginning of January of 2013.

20 Q Where were you when you found out that she had left?

21 A I was with my parents in our conference room in our home.

22 Q Before you found out that Amina had left that very night,
23 did you hear any visitors come to your house?

24 A Yes, I did.

25 Q Did you see the visitors?

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1 A No.

2 Q Who were you with in the --

3 When you say the conference room of your house, is
4 that a regular room in your house?

5 A It's not a regular bedroom for someone. It's just for a
6 room with a seat and that is just for people who are also in
7 the home and -- when they visit our family and members of our
8 family so they are specifically in that room.

9 Q Who was in the room with you when you first found out that
10 Amina had left?

11 A My mother was there, my father and my sisters, Nayab and my
12 other sister, Madeeha.

13 Q When you first found out that Amina had left, can you
14 describe what your father's demeanor and mood was at that time?

15 A So when I got into the room, my father was so stressed at
16 that time and so he had put the arm on his forehead. And then
17 when I asked him what happened --

18 Q Without saying what he said.

19 A All right.

20 Q His demeanor was that he appeared stressed and he had his
21 head in his hand?

22 A Yes.

23 Q Okay.

24 How did you feel personally when you found out that
25 Amina had left?

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1 MR. SOSINSKY: Objection.

2 THE COURT: Overruled.

3 A I was scared.

4 Q Why were you scared?

5 A Because it was a girl from Ajmal's family.

6 Q I want to stop you right there for a second -- I'm sorry,
7 keep going.

8 MR. SOSINSKY: Objection, your Honor.

9 THE COURT: Overruled.

10 Why don't you repeat the question and we can have an
11 answer to the question.

12 Q Why were you scared?

13 A So actually Amina was a girl from Ajmal's family. So they
14 were really powerful. So in case if you have trouble with the
15 Choudhry's family, that means you were causing a great, great
16 trouble for you in the future.

17 Q Was your brother Shujat living at home when you found out
18 that Amina had left?

19 A No, he was not there.

20 Q Where was he if you know?

21 A He left the home a couple of weeks ago. He said I'm going
22 to South Africa for a great purpose.

23 Q At that time, did you have any personal knowledge about
24 whether or not Shujat was involved in Amina leaving Pakistan?

25 A No, I didn't know that.

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1 Q So now getting back to that night when you found out that
2 Amina had left, what was the next thing that you remember
3 happening that night?

4 A Would you like me to explain you after --

5 THE COURT: No, just answer.

6 The way this works is counsel will ask you a question
7 and you should focus on answering that question. And if she
8 needs to expand the background, she will ask you to expand the
9 background.

10 So why don't you put the question again and answer
11 that question and then we'll have about five more minutes and
12 then we'll talk our lunch break.

13 Fair enough?

14 MS. HECTOR: Certainly.

15 THE COURT: Thank you.

16 So put the question again.

17 Q Ms. Asghar, you said you that you were in the meeting room
18 with other family members when you first learned that Amina had
19 left, right?

20 A Yes.

21 Q What was the next thing that you remember happening that
22 night?

23 A Javed came back to our home.

24 Q What happened when Javed came to your home?

25 A He said --

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1 MR. SOSINSKY: Objection to hearsay.

2 A He said --

3 THE COURT: No, no, sustained.

4 Put another question.

5 MS. HECTOR: Your Honor, may we be heard at sidebar
6 about that issue?

7 THE COURT: No. Put another question.

8 Q When Javed came in, were you still in the meeting room?

9 A Yes.

10 Q Who was with you?

11 A My mother was there, my father and my sister Madeeha.

12 Q Were you in the room with Javed the whole time that he was
13 at your house?

14 A Yes.

15 Q Did Javed eventually leave?

16 A Yes?

17 Q Did you see Javed do anything? I'm not asking saying
18 anything, but did you see Javed do anything while he was there?

19 A No.

20 Q Did you see any phone calls being made by anyone while
21 Javed was there?

22 A Yes.

23 Q Who made phone calls while Javed was there?

24 A My father.

25 Q Approximately how long was Javed in your house?

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1 A It was like 20 minutes.

2 Q That night, did Javed eventually leave?

3 A Yes.

4 Q That night, did you and your family have a discussion about
5 what, if anything, you should do that night?

6 A Yes.

7 Q What, if anything, did you do that night?

8 A So we left our home that night.

9 Q Who left your home?

10 A We all, my father, my sisters, excluding Abida, she was in
11 Spain, so Madeeha, myself, Nayab and my mother.

12 Q What time did you leave?

13 A It was after midnight, after 12:30.

14 Q Why did you leave?

15 A So prior to visiting my father, he went to Mazhar's home.
16 So when he came back from there, he told --

17 MR. SOSINSKY: Objection, judge.

18 THE COURT: Overruled.

19 I'll let her continue this.

20 Go ahead.

21 A He told her the story what happened there, so that made us
22 to leave Chiryawala.

23 Q You said that your mom and your sisters and you left that
24 night, your home that night?

25 A Yes.

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1 Q Around midnight.

2 What about your father?

3 A He went with us to Kotla but he came back.

4 Q Is Kotla where you and your mom and your sisters went to
5 stay that night?

6 A Yes.

7 Q So you said your dad went with you to Kotla but then came
8 back?

9 A Yes.

10 Q Came back to where?

11 A Chiryawala.

12 Q Why did your dad come back to Chiryawala if you know?

13 MR. SOSINSKY: Objection.

14 THE COURT: If she knows, she can say why.

15 A Because we had the cattle farm at that time and there was
16 no one to take care of the cattle. That's why he came back.

17 Q How long did you and your mom and your sisters stay in
18 Kotla?

19 A For four days, four or five days, like not a week but less
20 than a week.

21 Q After you stayed in Kotla for a few days, did you return to
22 your home in Chiryawala?

23 A Yes.

24 Q Why did you return when you did?

25 A This is not culturally okay to stay in someone's home for

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1 more than a week or for longer term, so that's why we came
2 back.

3 Q So I'd like to direct your attention to the days following
4 you coming back with your mom and your sisters from Kotla.

5 Okay?

6 A Yes.

7 Q Do you remember that time period?

8 A Yes.

9 Q What was life like for you and your family during that
10 time?

11 MR. SOSINSKY: Objection to the form of the question.

12 THE COURT: Overruled.

13 You may answer.

14 A Well, it was -- I would say there was a huge, huge
15 difference.

16 Q In what way was it a difference?

17 A So normally our neighbors, they were visiting us every day,
18 but after -- so after the time that we came back from Kotla, no
19 one was talking to us anymore in our village. It seems like a
20 social outcast. No one is happy to talk to you anymore.

21 Q Did any visitors come to your house during that time
22 period?

23 A Yes.

24 Q Who came?

25 A Javed.

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1 Q Did anyone else come?

2 A I remember one Punchaid came to our home.

3 Q Are you saying that members of the Punchaid came to your
4 home?

5 A Yes.

6 Q When people came to your home, would they talk to you or
7 someone else in your family?

8 A They talk to the man of the family, so my father.

9 Q When Javed and/or members of the Punchaid would meet with
10 your father, without saying what you heard being said if
11 anything, could you hear the tone of the way people were
12 talking to each other?

13 A Yes.

14 Q What was the tone like?

15 A Aggressive, loud.

16 Q Do you know whether your father attended meetings with
17 anyone outside of the home during this time period?

18 A Yes.

19 THE COURT: You were asked again do you know.

20 Did he? Did he in fact attend meetings outside of the
21 home?

22 THE WITNESS: Yes.

23 THE COURT: Because she asked if you knew and that
24 could be one way or the other.

25 So again, try to avoid the "did you know" format.

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1 Go ahead.

2 Q At that point, Ms. Asghar, did you believe that you or your
3 family was in danger?

4 MR. SOSINSKY: Objection.

5 THE COURT: Overruled.

6 A Yes.

7 Q Did Shujat come home at all during this time period after
8 you came back from Kotla?

9 A No.

10 Q Do you know whether anyone in your family was communicating
11 with Shujat at that time?

12 A Yes.

13 Q Who in your family was communicating with Shujat?

14 A My father.

15 Q Ms. Asghar, at some point did you and your family travel to
16 another village to attend a family funeral?

17 A Yes.

18 Q Do you remember when that was?

19 A It was 25 January of 2013.

20 Q What town or village did you travel to?

21 A Barnala.

22 Q Who in your family had passed away?

23 A My cousin.

24 Q Was that cousin a child or an adult?

25 A A child.

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1 Q So when you say it was a cousin, whose -- can you give a
2 little more description of whose child it was?

3 A Sure. It was my mom's nephew, his brother's son.

4 Q It was your mother's brother's son?

5 A Yes.

6 Q Who from your immediate family traveled to Barnala to
7 attend the funeral?

8 A So we were five family members staying at that time in our
9 home. We all went there.

10 Q Can you name the people in your family?

11 A Sure.

12 My father, Mohammad Asghar, my mom, my mother, my
13 sister, Madeeha Asghar, myself, and Nayab Asghar.

14 Q Approximately how far is Barnala from Chiryawala?

15 A It's like, if you have your own car, it's around one hour.

16 Q And how did you travel from Chiryawala to Barnala?

17 A In our -- in our jeep.

18 MS. HECTOR: Your Honor, I'll just note that it's
19 12:30.

20 THE COURT: Would this be a convenient time to break
21 for lunch?

22 MS. HECTOR: It would. I think we're heading into a
23 new section.

24 THE COURT: That is fine.

25 Ladies and gentlemen of the jury, we'll take our

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1 luncheon recess.

2 Why don't we resume at 2:15 if that is acceptable to
3 you and we'll go until 5:00 after that.

4 Again, we're in the midst of trial. Do not talk about
5 the case. You can talk about the game of football, formerly
6 known as soccer, formally known as whatever, but please do not
7 talk about the case at all.

8 Thank you.

9 And again, madam, do not talk with anyone about your
10 testimony during the luncheon recess.

11 See you at 2:15.

12 (Jury out at 12:30 p.m.)

13 THE COURT: The jury has left the courtroom. I'm
14 going to encourage both sides of counsel, to the extent you can
15 to give spellings of names to the court reporter that you know
16 are going to be coming up, that will be helpful so he is not
17 always having to either interrupt or guess what the spellings
18 are. And hopefully, he has that. I'm sure you have
19 anticipated that request.

20 So we'll see you at 2:15.

21 Thank you very much.

22 MS. HECTOR: Thank you.

23 (Luncheon recess.)

24 (Continued on next page.)

25

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1 (In open court, outside the presence of the jury.)

2 THE CLERK: All rise. The Honorable William F. Kuntz,
3 II is now presiding.

4 THE COURT: We're waiting for the defendant to be
5 brought out and then we'll have some procedural issues, and
6 then we'll bring the jury out.

7 (Defendant entered.)

8 THE COURT: All right. The parties are now here. I
9 gather we have some procedural issues to deal with that relate
10 to translations and headsets.

11 So please be seated. Use the microphones. And now
12 that all parties are present, counsel is present. The jury is
13 not here yet.

14 What are the procedural issues we've got?

15 MR. SOSINSKY: Judge, there was an issue this morning
16 with regard to the interpreters utilizing the headset method of
17 translation as opposed to talking with my client while the
18 witness, you know, is testifying which is somewhat disturbing.
19 If it can be avoided, I think they are addressing it, whatever
20 the technological issue is now, so that they can whisper into a
21 headset that my client can be listening in on.

22 THE COURT: So has the issue been corrected or is the
23 issue still with us?

24 MR. BRIGHTMAN: The issue is still with us.

25 THE COURT: The issue is still with us, I'm told by

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1 the techie.

2 Okay. So what will happen is the interpreter will
3 continue to whisper to the defendant, so that he can understand
4 the proceedings because that's obviously absolutely required.
5 Is that something we can do?

6 MR. SOSINSKY: Judge, my understanding. I'm --

7 THE COURT: Just use the microphone.

8 Sir, you can tell -- I mean, you are the techie. You
9 know what's going on. Why don't you just tell us, as we say in
10 the 'hood, what's happening?

11 MR. BRIGHTMAN: I just have to do one thing. I'll be
12 back in a minute.

13 THE COURT: I've heard that before. It's never good.

14 MR. SOSINSKY: You don't hear that in the courtroom,
15 though.

16 THE COURT: I don't hear it in the courtroom, but when
17 I hear it, it's never good.

18 I don't want to keep the jury waiting. You tell me.
19 If it's five minutes and it's a real five minutes, great, but
20 if it's going to be a half an hour, then why don't we just
21 proceed and then we'll take our break and then you can deal
22 with it. So what do you think?

23 MR. BRIGHTMAN: Just give me five minutes.

24 THE COURT: Five minutes? While he's doing that --

25 MR. SOSINSKY: Maybe while he's doing that, we can

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1 address the other issues?

2 THE COURT: Please.

3 MS. HECTOR: Certainly, Your Honor.

4 THE COURT: Again, please use the microphone. You're
5 all taxpayers. You paid for them. They, at least, are
6 working.

7 MS. HECTOR: Your Honor, there are two quick issues.
8 The first -- and I apologize and I believe this was probably my
9 fault or most likely my fault for not laying the foundation in
10 a way to alert the Court to where I was going.

11 But if you recall, when Seemab Asghar was on the stand
12 and describing the night that she found out that Amina had left
13 her village, she described an individual named Javed coming
14 over to the house and she was about to tell certain statements
15 that Javed made to her family.

16 This was, of course, part of the subject of our motion
17 in limine about co-conspirator statements, and Javed is a
18 co-conspirator, an unindicted co-conspirator of the defendant.
19 And some of the statements that Javed made were, in fact,
20 co-conspirator statements. It was certainly the genesis of
21 Javed starting to threaten the family that if Shujat did not
22 bring Amina back, bad things would happen.

23 So with the Court's permission, given that those are
24 co-conspirator statements, I would like to go back to it with
25 the witness, now that I have sort of explained to the Court

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1 where I was going with that. And I apologize and we'll make it
2 more clear in the future.

3 THE COURT: What is your response to -- I know you
4 object to the statements coming in and you'll continue to have
5 that objection -- but what is your response to what you've just
6 heard from Ms. Hector, other than your previous objection -- or
7 in addition to your previous objection?

8 MR. SOSINSKY: Other than my previous objection which
9 harkens back to argument, both in writing and orally that we
10 had on this issue, Judge. I'll leave it at that. Your Honor I
11 think heard my objection and did sustain it, so I'm not sure
12 that it's clear or the Court understood necessarily what was
13 being proffered was part of.

14 THE COURT: No. The way it was being teed up and the
15 way the jury would have heard it was as a hearsay statement
16 being offered not for the truth of the matter asserted', as
17 opposed to a statement by a co-conspirator in furtherance of
18 the conspiracy. That's why I sustained the objection.

19 But having had the context fleshed out, I'm prepared
20 to allow the testimony, obviously, and noting your objection
21 which is preserved for the record.

22 MR. SOSINSKY: Okay.

23 THE COURT: Okay?

24 MS. HECTOR: There is one other issue that I wanted to
25 alert the Court to, so that we wouldn't potentially have an

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1 issue like this again and I apologize.

2 One of the things that Seemab Asghar will testify
3 about is the fact that shortly after her parents left Bernala
4 and were shot at by certain individuals in their car, her
5 father within a couple of hours within that event called Seemab
6 on the phone.

7 I would lay the foundation that when the father
8 called, his voice was jittery. He was agitated and speaking
9 quickly about what had just happened to him.

10 THE COURT: So you're going for excited utterance, res
11 gestae --

12 MS. HECTOR: Exactly.

13 THE COURT: Presently observed.

14 MS. HECTOR: Exactly.

15 THE COURT: Recently remembered exceptions to the
16 hearsay rule. You're not offering the statements for the truth
17 of the matter asserted?

18 MS. HECTOR: Well, I believe they do come in for the
19 truth of the matter asserted, because an excited utterance is
20 an exception to the hearsay rule. So those statements would
21 come in for the truth. We would be offering them as such and I
22 would lay a proper foundation for the statement.

23 THE COURT: Well, they might come in. Exceptions to
24 the hearsay rule do not necessarily involve being offered for
25 the truth of the matter asserted. There are exceptions to the

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1 hearsay rule, but we can have that technical argument in
2 another venue.

3 All right. I will --

4 MR. SOSINSKY: May I be heard.

5 THE COURT: I'm sorry. Yes. Go ahead.

6 MR. SOSINSKY: Please?

7 Judge, obviously, I object to that, but Your Honor may
8 not be aware of some aspects of the chronology which I think
9 are necessary in order for Your Honor to determine whether or
10 not the proffer meets the requirements under the rules of
11 evidence for the admission of such a statement, and I'd like
12 to, if I could, just let you know quickly about that.

13 THE COURT: Sure.

14 MR. SOSINSKY: And I'm basing this on a -- both notes
15 of and a typewritten report concerning this very subject, where
16 the witness was walked through what she claimed had transpired
17 on that particular day and afternoon.

18 My understanding based on the review of those
19 materials is that her mother and father leave. They go back
20 towards the town where they all live. And there's a phone call
21 made during which there's some noises. There were some noises.

22 THE COURT: Is that a higher authority ruling on your
23 objection?

24 MR. SOSINSKY: I'll turn it back up.

25 THE COURT: All right. Let's just go old school and

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1 bring our litigation voices. Okay?

2 MR. SOSINSKY: It's back on, Judge.

3 THE COURT: Okay.

4 MR. SOSINSKY: So there's an initial call where
5 there's some noises being heard and then hours later -- by the
6 way, in that call, I believe it is the government's contention
7 that what was being heard may well have been shots or sounds
8 associated with an attack -- hours later, meaning hours after
9 the attack according to everything that I've read, there is
10 another phone call made from the parents to a different cell
11 phone that's answered, the witness claims, by her at the
12 family's house in this other village an hour away, so two hours
13 later after the first call.

14 And in that call there are the -- the people are
15 informed that everyone is fine. People had been shot at. The
16 car had been shot at, but everyone was fine, and there was a
17 passing of phone from one person, the sister, to the other.

18 In addition --

19 THE COURT: Let me stop you right there.

20 MR. SOSINSKY: -- hours later.

21 THE COURT: Let me stop you right here. Hours
22 later --

23 MR. SOSINSKY: Yes.

24 THE COURT: -- someone says, "I was shot at," is that
25 what they're going to testify to?

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1 MR. SOSINSKY: Well, I think they've -- probably the
2 testimony would be that we were shot at, meaning --

3 THE COURT: The testimony is going to be somebody says
4 somebody shot at me a few hours ago, right?

5 MR. SOSINSKY: Correct. And that we're fine and
6 furthermore, that we have already contacted the police and the
7 police are responding.

8 THE COURT: Okay. What's the problem with that
9 testimony coming in?

10 MR. SOSINSKY: Well, if it's being offered either as a
11 presence sense impression, clearly, it's not because it would
12 have taken place hours before and the cases -- and I don't have
13 them before me now -- but the cases with regard to that I think
14 speak about a closeness in time meaning it's contemporaneous.

15 THE COURT: We had this discussion about remoteness
16 before.

17 MR. SOSINSKY: On a different issue.

18 THE COURT: On a different issue?

19 MR. SOSINSKY: Yes, not on a presence sense
20 impression.

21 THE COURT: Not on presence sense impression. The
22 past recollection can come in, not for the truth of the matter
23 asserted. So I'm going to overrule your objection.

24 MS. HECTOR: And Your Honor, if I could just make the
25 record clear, a few things: One, the first phone call that

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1 Seemab receives where she just overhears noise, she will not
2 testify that the noise was indicative of anything. She
3 actually at the time didn't think very much of it. It just was
4 noise to her. It wasn't something that she heard and thought
5 it might be part of the event or something like that.

6 But regardless, the case law in the Second Circuit
7 says that the statement for an excited utterance need not be
8 contemporaneous.

9 THE COURT: I know that. But you're not offering it
10 for the truth of the matter asserted. You're offering it as a
11 exception to the hearsay rule. I'm taking it on that basis, so
12 just take it on that basis. It's going to come in. The jury's
13 going to hear it.

14 MR. SOSINSKY: And Your Honor will accept -- if I can
15 just finish my argument. In our view, it is not a present
16 sense impression. It cannot be an excited utterance because it
17 was made after sufficient time for reflection upon the events,
18 as discussed in the very phone call where they say that we have
19 called the police. The police have been contacted and we're
20 expecting them to come. And finally, that there was yet
21 another phone call that followed that where there as similar
22 discussion about the very same thing.

23 So on all of the grounds upon which the government is
24 offering it, we object, and we suggest, Your Honor, that the
25 government is indeed attempting to offer the statements for the

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1 truth of the matter asserted, because I believe that they
2 will -- they want to put the before the jury the declarant's
3 invocation of certain names in association with those events.

4 There is no reason why the Court would admit it,
5 unless the purpose behind it, the relevance is to identify who
6 the declarant stated were involved with that shooting. That's
7 the information the government wants to put before the jury.
8 That's an out-of-court statement being offered for the truth of
9 the matter asserted.

10 MS. HECTOR: Your Honor, may --

11 THE COURT: It's not being offered for the truth of
12 the matter asserted. Rule 803 sets forth the exceptions to the
13 rule against hearsay, regardless of whether the declarant is
14 available as a witness.

15 One of them are present sense impression is 803(1).
16 Second is excited utterance, 803(2). The third is then
17 existing mental emotional or physical condition. That's
18 803(3).

19 In any event, the objections are overruled and the
20 testimony will come in.

21 Anything else?

22 MS. HECTOR: No, Your Honor. And we're happy to sort
23 of write a letter about this this evening if it's helpful, but
24 it's our belief that the 803(2) exception does allow the
25 testimony to come in for the truth because the underlying

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1 policy consideration is that it's independently reliable
2 because of the excited state in which the statement is made.

3 But if the statement's coming in, we can let it in and
4 we can sort of address later this evening upon further review
5 --

6 THE COURT: Well, first, the jury will decide whether
7 or not it's true. They decide the facts. The statement comes
8 in.

9 MS. HECTOR: That's fine.

10 THE COURT: Okay. So I don't know why we're having a
11 discussion about truth or not truth. They're going to hear the
12 statement that's made. And they will determine whether or not
13 they believe it to be true. That's their province, not that of
14 the Court or that of the counsel, with all due respect to
15 learned counsel.

16 And I think from the government's point of view, the
17 fact that the statement comes in is sufficient, and obviously,
18 the defendant can challenge the truthfulness of the statement
19 that's being made.

20 You have already said in your opening statement that
21 you have issues with the truthfulness of some of the witnesses.
22 So I expected you to challenge their truthfulness when you
23 cross-examine them. That's why we have trials. If they heard
24 the statement, and the jury will decide the truth, the falsity
25 of the statements. That's their province not mine or yours.

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1 MS. HECTOR: Thank you.

2 THE COURT: So I'm not saying you can't write the
3 letter or supplement the record, but you may have other things
4 that you want to do that are actually relevant to what we do in
5 this trial, as opposed to things that are aren't relevant. But
6 I'm not going to tell you how to spend your time.

7 Anything else --

8 MS. HECTOR: (Shakes head negatively).

9 THE COURT: -- before we bring in the jury?

10 MS. HECTOR: Are we waiting for the technical.

11 THE COURT: I don't wait for Godot.

12 THE CLERK: All good, Judge.

13 THE COURT: I think we should just go ahead.

14 MR. TUCKER: Your Honor, shall we put the witness on
15 the stand before the jury comes in?

16 THE COURT: Yes. I think that would be the best.

17 MR. TUCKER: Yes, Your Honor.

18 THE COURT: Thank you.

19 (To the witness) Mr. Jackson is going to pour you a
20 fresh cup of water.

21 THE CLERK: All rise.

22 (Jury enters.)

23 THE COURT: Thank you ladies and gentlemen of the
24 jury. Please be seated. Thank you for your patience. We were
25 going over some technical arguments that I assure you you will

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1 never see on Perry Mason with the lawyers while you were
2 waiting, but we have resolved those and we can now go on with
3 the testimony.

4 So please continue, Ms. Hector.

5 And again, ma'am, did you speak with anyone during the
6 break about your testimony?

7 THE WITNESS: No.

8 THE COURT: No? Okay.

9 Go ahead, please.

10 MS. HECTOR: Your Honor, I believe one of the jurors
11 is missing a chair.

12 THE COURT: All right. Go right ahead.

13 (Discussion off the record.)

14 MS. HECTOR: Thank you Your Honor.

15 BY MS. HECTOR:

16 Q Ms. Asghar, I would like to go back to the night that you
17 found out that Amina had left her home. Do you remember that
18 night?

19 A Yes.

20 Q I'd like to go over some of the details of that night with
21 you again, okay?

22 A Uh-hum (affirmative response).

23 Q Okay. Now, I believe you previously mentioned that you
24 heard visitors come to your house that night, is that right?

25 A Yes.

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1 Q And did you see who the visitors were?

2 A No, I didn't see them.

3 Q Did the visitors come before or after you first found out
4 that Amina had left?

5 A Before.

6 Q Okay. So the visitors came and then you found out?

7 A Yes.

8 Q Okay. And when you found out that Amina had left, where
9 were you in your home?

10 A I was in the conference room of our home.

11 Q And who was in that room with you?

12 A My father, my mother and my sister, Madeeha Asghar, and my
13 other sister Nayab Asghar.

14 Q And is that the time when you described your father
15 appearing stressed with his head in his hands?

16 A Yes.

17 Q You then mentioned that someone named Javed came over, is
18 that right?

19 A Yes.

20 Q Is this the same Javed who you've mentioned was a part of
21 the Punchaid?

22 A Yes.

23 Q Is this the same Javed who you mentioned was a family
24 relation to Amina's family?

25 A Yes.

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1 Q And can you explain to jury, again, what the familial
2 relation was between Javed and Amina's family?

3 A So in my understanding, Javed is a cousin of Ajmal, means
4 Ajmal's mother and Javed's father, they're both sister and
5 brother.

6 Q Thank you.

7 Now, when Javed came in, what room did he come into?

8 A In our conference room.

9 Q What if anything did Javed say when he came into the
10 conference room?

11 MR. SOSINSKY: Objection.

12 THE COURT: Overruled.

13 THE WITNESS: When he came into the room, he said
14 Nazam wanted to talk to Shujat. That's what I remember.

15 BY MS. HECTOR:

16 Q And then what happened?

17 A So then my father, he said, "Shujat is" -- "Shujat is too
18 young to talk to the elder people and Nazam is also crazy guy.
19 So if they both will talk, it can be a problem. So, why you
20 just don't talk to Shujat instead of Nazam?"

21 Q And am I correct that Shujat is your brother on this chart
22 that's Government Exhibit 2A over here?

23 A Yes.

24 Q Okay. So, after your suggested that Javed talk to your
25 brother, what happened next?

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1 A So, then my father, he made a phone call to my brother,
2 Shujat, and he gave it to Javed.

3 Q What did he give to Javed?

4 A The phone.

5 Q Okay. After he gave the phone to Javed, did Javed talk?

6 A Yes.

7 Q What did you hear Javed say?

8 MR. SOSINSKY: Objection.

9 A He said, "If the girl is with you, bring her back." I
10 don't remember the whole conversation, but the part of the
11 conversation I can remember, he said, "If the girl is with you,
12 bring her back." So, that's what I remember.

13 BY MS. HECTOR:

14 Q Okay. Were you in the room the whole time that Javed was
15 in the room?

16 A Yes.

17 Q Did Javed eventually leave?

18 A Yes.

19 Q Do you remember Javed saying anything else before he left?

20 A I don't remember.

21 Q Approximately how long was Javed in your house?

22 A It was like sometime around 20 minutes.

23 Q Okay. After Javed left -- well let me ask this: Around
24 what time of the evening was it when Javed came over?

25 A Well, it was nine o'clock or after nine o'clock p.m., 9 to

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1 9:30, any time between there.

2 Q In the evening?

3 A Yes.

4 Q And was that the very night that you and your mom and your
5 sisters decided to go stay with your aunt in Kotla?

6 A Yes.

7 Q And am I right that you said you left around midnight that
8 night?

9 A Yes.

10 Q And you stayed there for several days?

11 A Yes.

12 Q And then when you came back from Kotla, is that the time
13 period that you were describing previously to the jury when
14 things sort of changed about how your family was treated?

15 A Yes.

16 Q And can you describe again what changed when your family
17 came back?

18 MR. SOSINSKY: Objection.

19 THE COURT: Overruled. She's describing what she saw.

20 Go ahead.

21 A So it was a completely change time for us. Our world was
22 confined into the walls of our home. Outside of our home, it
23 was -- it just seemed like a different village now, in
24 comparison. So it was a completely -- completely different
25 village for us than for my family specifically.

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1 BY MS. HECTOR:

2 Q And just so that we get the timeline correct, since we're
3 going back a little bit in the story, was that during the time
4 that you described people coming to the home to meet with your
5 father?

6 A Yes.

7 Q Okay. Now, let's get to the funeral that you were
8 describing in Bernala. At some point did your family travel to
9 a funeral in Bernala?

10 A Yes.

11 Q And whose funeral was that again?

12 A My cousin's funeral.

13 Q And do you remember on what day you traveled to the
14 funeral?

15 A It was 25, January of 2013.

16 Q Okay. And who was in Bernala attending the funeral with
17 you?

18 A Can you repeat your question again?

19 Q Who came to Bernala with you from your family to attend the
20 funeral?

21 A So, five family members were there, my sisters, Madeeha,
22 Nayab, and my father and my mother and myself.

23 Q Okay. And I believe you said Bernala was about an hours
24 drive from Chiryawala?

25 A Yes.

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1 Q And how did your family get to Bernala?

2 A We were on our own personal Jeep. That was my father's
3 Jeep. So that's how we got to Bernala.

4 Q Was that the family car?

5 A Yes.

6 Q Do you remember the day that you left with your family to
7 go to Bernala?

8 A Can you repeat your question again?

9 Q Do you remember the day that you left with your family to
10 travel to Bernala?

11 A Yeah, 25 January.

12 Q Do you remember seeing anyone from Amina's family on that
13 day?

14 A Yes.

15 Q Who do you remember seeing that day?

16 A Nisar.

17 Q Who's Nisar?

18 A He's the father of Babar.

19 MS. HECTOR: Abrar Ahmed Babar. We previously spelled
20 that as B-A-B-A-R.

21 BY MS. HECTOR:

22 Q When you say Nisar is the father of Babar, is Babar the boy
23 that Amina got married to?

24 A Yes.

25 Q And Nisar is Babar's father?

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1 A Yes.

2 Q When did you see Nisar as you were leaving?

3 A So we got on the street, means we were -- our car was not
4 in the home. It was on the main road. That is actually the
5 main road to the village. So our car was there and we were
6 walking to the car from our home.

7 Q Okay. Now, in Pakistani culture, do funerals take place on
8 one day or do they take place over multiple days?

9 A Multiple days.

10 Q And when you left to go to Bernala, were you planning on
11 being there for a couple of days?

12 A Yes.

13 Q At some point while you were in Bernala, did your father
14 receive a phone call that you were present for?

15 A Yes.

16 Q Can you describe where you were when your father received
17 this phone call?

18 A So actually in tradition, like for the funeral, because
19 there are number of people are kind of very great, a lot of
20 people are -- they has to be a funeral, so they can't have the
21 seats there, so we all were sitting on the floor for our lunch.

22 Q And where were you sitting in relation to your father when
23 your father received this call?

24 A I was sitting close to him.

25 Q When your father received the call, did you know who the

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1 call was from?

2 A Yes.

3 Q How did you know who the call was from?

4 A Because when the person he called -- before that, we were
5 discussing the same issue of Amina should have go home and then
6 the problem for our family. So, in the meantime, Javed called
7 and my father said, "Look, this Javed is calling me."

8 Q Did your father answer the telephone?

9 A Yes.

10 Q When your father answered the telephone, could you hear the
11 person who was speaking on the telephone?

12 A Yes.

13 Q Was there any reason why you could hear that?

14 A Yeah, because the phone call was on speaker.

15 Q How was your father holding the phone?

16 A Like in front of him.

17 Q Who else was there at the time besides you and your father?

18 A My mom was there. My sister, Madeeha, was there and few
19 other relatives from my aunt's family.

20 Q Did you hear Javed talk to your father?

21 A Yes.

22 Q What, if anything, did Javed say to your father?

23 MR. SOSINSKY: Objection.

24 THE COURT: Overruled.

25 A Javed, he said he talked to my father and then he said,

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1 "We'll want all of you to come back this evening to
2 Chiryawala."

3 BY MS. HECTOR:

4 Q And on what day was this?

5 A It was 25th January, the first day of funeral.

6 THE COURT: Of what year?

7 THE WITNESS: I'm sorry?

8 THE COURT: Of what year?

9 THE WITNESS: -- maybe I'm --

10 THE COURT: No, you're answering fine. What year was
11 it? You said the 25th of January --

12 THE WITNESS: No, it was actually 26 January, 2013.

13 THE COURT: The 26th of January, 2013?

14 THE WITNESS: Yes.

15 THE COURT: Okay. I just wanted the jury to know the
16 year.

17 Go ahead.

18 BY MS. HECTOR:

19 Q I'm sorry. What did Javed say to your father?

20 A He said, "We want all of you to come back to Chiryawala.
21 We need the discuss the issue."

22 Q Okay. And what at that time did you understand the issue
23 to be when you heard this?

24 A So, in my understanding it was an issue with Amina's
25 family, so.

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1 Q What issue with Amina's family?

2 A Because when Amina, she left her home, they were blaming my
3 brother that he's helping -- he helped her to get out of the
4 Chiryawala or wherever she was.

5 Q Okay. Did anyone besides Javed get on the phone?

6 A Yes.

7 Q Who else got on the phone?

8 A Akmal.

9 Q Who is Akmal?

10 A He is Amina's uncle, Ajmal's brother.

11 Q How did you know that it was Akmal who got on the phone?

12 A First thing, the voice had changed and then my father he
13 inquired, "Who is this, Akmal?"

14 Q And did the person respond?

15 A Yes.

16 Q How did they respond?

17 A Like in our language, we are don't say yes or no. It's
18 just say, "Huh," or -- like this.

19 Q So that's how the person responded?

20 A Yeah.

21 Q Okay. And then what, if anything, did you hear Akmal say?

22 MR. SOSINSKY: Objection.

23 THE COURT: Overruled. Overruled.

24 You can answer.

25 THE WITNESS: Can you repeat the question again?

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1 BY MS. HECTOR:

2 Q What if anything did you hear the person on the phone say?

3 MR. SOSINSKY: Objection.

4 THE COURT: Overruled.

5 A So, whatever I can remember, he gave the time period a few
6 hours that if our girl did not come back in that time period,
7 we will kill all five of you or if you want to save your life,
8 just bring over son to our hands, we will kill him, or if none
9 of them is okay for you, so to leave the Chiryawala and --
10 because this is a shame if you would leave the Chiryawala.

11 Q When he said "bring your son to us," what did you
12 understand that to mean?

13 A Because my brother was not at home at that time. He was
14 hiding in different places and he was just talking to my father
15 on the phone.

16 Q So did you understand "son" to mean Shujat?

17 A Yes.

18 Q Did your father eventually get off the phone --

19 A Yes.

20 Q -- with Javed and Akmal?

21 A Yes.

22 Q Do you remember approximately what time it was when your
23 father received this phone call?

24 A It was 3, 3:30, anytime around there.

25 Q After your father got off the phone, did you and your

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1 family discuss whether you should all go to Chiryawala as you
2 had been asked?

3 A Yes.

4 Q What was your -- without saying what other people's
5 opinions were, what was your opinion at the time?

6 A Well, I suggested for my father to bring peace with them,
7 if they're going back to Chiryawala. If that is the only
8 option for them to go back to Chiryawala.

9 Q Was that -- was your opinion accepted?

10 A No.

11 Q Do you know why your opinion wasn't accepted?

12 MR. SOSINSKY: Objection.

13 THE COURT: Overruled.

14 A Because I suggested that for my father to bring police with
15 you, my father says, "Already they're blaming our family, that
16 we're involved in helping Amina to get out of the Chiryawala,
17 so if we make a clear picture of them that we were actually
18 involved."

19 BY MS. HECTOR:

20 Q Was a decision made by your family regarding who would
21 travel to Chiryawala, if anyone, for this meeting?

22 A Yes.

23 Q What was the decision?

24 A So, we -- I need to pay my mom and my father, they both go
25 back to Chiryawala.

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1 Q Approximately how long after receiving the call did your
2 mom and dad leave to go back to Chiryawala?

3 A I think within one hour.

4 Q So, would that have been 4 or 4:30?

5 A Yeah.

6 Q Was it still light out at the time?

7 A Yes.

8 Q What car did your parents take, if you know?

9 A The same Jeep that we took to get into Chiryawala -- to
10 Bernala, I'm sorry.

11 Q And you mentioned previously that Bernala's about an hour
12 from Chiryawala?

13 A Yes.

14 Q So after your parents left for this meeting, what's the
15 next thing you remember happening?

16 A So that evening, I was holding my aunt's phone, and my
17 father, he called on the phone for a few seconds. When I
18 answered the phone, he didn't say anything and he cut off the
19 phone.

20 Q Why were you holding your aunt's phone?

21 A Because, okay, she was the one whose child was died that
22 day. So she was not emotionally fine to answer the phone
23 calls. Her relatives or her friends were calling her. So
24 that's why I was holding her phone to answer the calls.

25 Q After that call, that sounds like only lasted a short

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1 duration, did you talk to your father during that call?

2 A I just said hello, but he didn't answer back.

3 Q Did your father eventually call back?

4 A Yes.

5 Q When he called back, about how long had passed since he and
6 your mom had left to go to Chiryawala?

7 A About two or three hours, yeah.

8 Q And when your father called back, did you speak with your
9 father?

10 A Yes.

11 Q Before telling us what your father said to you, can you
12 first describe to us what your father's voice sounded like and
13 the tone he was using?

14 A He was out of breath, like -- like, for example, someone
15 has just did a workout. He was out of the breath.

16 Q Was he speaking slowly or quickly or somewhere in between?

17 A Somewhere in between.

18 Q Did he sound like he normally did to you?

19 A Say it again?

20 Q Strike that.

21 What did your father say to you?

22 MR. SOSINSKY: Objection.

23 THE COURT: Overruled.

24 A So the first thing, I'm sorry, I remember clearly is that
25 Akmal and his group did attack on our car.

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1 Q Did he say they attacked on our car?

2 A Yeah.

3 Q Okay. And what did you say when that happened?

4 A Because my father was talking to me on the phone, but at
5 that time, I just started asking about my mom, because another
6 person with him in the car was my mom and I was worried about
7 him, "Is she okay or not?"

8 Q Okay. And when your father said, "Akmal and his people
9 attacked on us," can you describe who Akmal is?

10 A Akmal is the brother of Ajmal, Amina's uncle.

11 Q So after your father said, "Akmal and his people attacked
12 on us," and you asked how your mother was --

13 A Yeah.

14 Q -- did your father tell you how your mother was?

15 A He said, "She's okay."

16 Q What was the next thing that happened?

17 A And in the meantime, because I was asking him where that
18 happened, he mentioned the street. So there's a familial kind
19 of famous well of our village, so that street is off of --
20 means in reference to the well.

21 Q Are you saying a well, like a water well?

22 A Yes, a water well.

23 Q Okay.

24 A Then he said Mazhar was out on the street, that's what I
25 remember in his whole conversation.

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1 Q And when your father said Mazhar was also in the street,
2 did you have an understanding of who Mazhar was?

3 A Yeah.

4 Q Who's Mazhar?

5 A He is Javed's cousin and also -- and a relationship to the
6 Choudhry family, he's Afzal's son-in-law.

7 Q And when you say another relationship with the Choudhry
8 family, that is Amina's family?

9 A Yes.

10 Q After your father said these things to you, what happened
11 next?

12 A So when I was on the phone call, I started crying and I
13 talked to him loudly because I was not sure what my mom, is she
14 okay or not. Then my aunt was there, she was on there, she
15 took the phone from me. So just to -- because when I was
16 talking to my mom, it made a clear sense of the people around
17 me what I'm talking about and what happened. So, my aunt, she
18 took the phone.

19 Q After your aunt took the phone from you, what did you do?

20 A My sister, Madeeha, was there and she took me to a separate
21 room, she turned off the light of the room and then she said,
22 "Call Javed. Why did she call her parents to hear about a plan
23 to kill them?"

24 Q When Madeeha took you to the other room, who was in the
25 room with you?

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1 A In that room?

2 Q Yes.

3 A Just Madeeha.

4 Q Just Madeeha and you?

5 A Yes.

6 Q And you said that Madeeha turned off the lights, did you
7 know why Madeeha turned off the lights?

8 A If I get in the room, they must come in to talk to us.

9 Q I'm sorry. Can you repeat that?

10 A If they would see the light is on in the room, anybody or
11 whoever was around there must come into the room because
12 something wrong happened with our family. Just through kind of
13 sit with you and talk with you supportively.

14 Q So it's just you and Madeeha in the room?

15 A Yeah.

16 Q And you said that Madeeha told you to call Javed?

17 A Yes.

18 Q Did you call Javed?

19 A Yes.

20 Q What happened when you called Javed?

21 A Well, he answered the phone call. I introduced myself, who
22 I am. I said, "I'm a daughter of Asghar." Then he said,
23 "Okay. What?" I told him, "Did you call my parents to
24 Chiryawala to kill them? Is that what your plan was?"

25 Q And after you asked Javed, "Did you call my parents to

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1 Chiryawala to kill them, was that your plan" --

2 A Yeah.

3 Q -- did Javed respond to you?

4 A Yeah.

5 Q What did Javed say, if anything?

6 A He said, "What happened? What are you talking about?"

7 Q And what did you say?

8 A Then I told him, "Akmal and his group, they attacked on my
9 father's car near the Well Street." Then he said, "I don't
10 know about any particular incident happening in our village
11 this evening."

12 So can I go ahead?

13 Q What if anything did you then say?

14 A Then I said, "No, it happened and by the wells," and he
15 said, "I was sleeping for the last two hours so I have no idea
16 what you are talking about." Then I said that Mazhar was also
17 there," and he said, "Oh, no, Mazhar is sitting with me. Since
18 last two the hours we're talking to each other."

19 Then I said, "Okay. You just said you were sleeping
20 for two hours and then you said Mazhar was also with you. So,
21 you have a contradiction in your two statements that you just
22 told me."

23 Q After you confronted Javed with the contradiction that he
24 had just told you --

25 A Yeah.

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1 Q -- what did he say?

2 A He didn't say anything, he hung up the phone.

3 Q Had you identified yourself to Javed when you called him?

4 A I didn't say my name. I just said, "I'm a daughter of
5 Asghar."

6 Q And is Asghar your father?

7 A Yes.

8 Q Why didn't you identify your name?

9 A Because I was scared of him, that if he would get to know
10 me, with my name, maybe he can put me on trouble.

11 Q What happened after you got off the phone with Javed?

12 A My aunt came into the room. She found me, I talk to Javed.
13 Then she just yelled at me. Then she said, "You brought
14 another problem for your family."

15 Q Your aunt yelled at you for having called Javed?

16 A Yeah.

17 Q Ms. Asghar, did you eventually have an opportunity to see
18 your parents car after that day?

19 A Yes.

20 Q When after that day did you have an opportunity to see
21 their car?

22 A So the next day, my sister, Madeeha, and myself both went
23 back to the Chiryawala.

24 MS. HECTOR: I'm going to show the witness for
25 identification Government's Exhibit 834, 835, and 838. Just

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1 for the witness, Your Honor.

2 THE COURT: Yes, Mr. Jackson, please?

3 THE CLERK: Can you -- is it on? (Complies.)

4 THE COURT: Do you see them, Ma'am? Are they on your
5 screen yet?

6 THE WITNESS: Yeah.

7 THE COURT: Okay.

8 BY MS. HECTOR:

9 Q Ms. Asghar, I'm showing you three photographs.

10 THE COURT: Ms. Hector, you, too, have to use the
11 microphone.

12 BY MS. HECTOR:

13 Q Ms. Asghar, I'm showing you three photographs, will appear
14 in front of you. If you could take a look at each of them?

15 A Sure. (Examines photographs.)

16 Q 834, 835, and 838. Do you see those?

17 A Yes.

18 Q Do those photographs accurately depict your family car in
19 the way that it looked when you saw it the day after you
20 received that phone call from your father?

21 A Yes.

22 MS. HECTOR: The government moves to admit Government
23 Exhibit 834, 835, and 838.

24 THE COURT: Any objection?

25 MR. SOSINSKY: No, Judge.

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1 THE COURT: They're admitted. You may publish to the
2 jury.

3 (Exhibit published to the jury.)

4 BY MS. HECTOR:

5 Q Ms. Asghar, we're looking at Government Exhibit 834. Is
6 this a picture of your parent's car?

7 A (Examines photograph.) Yes.

8 Q And I'm pointing to several holes that are in your parent's
9 car. Do you see those?

10 A Yes.

11 Q Did you see those holes in your parent's car when you saw
12 their car the day after the phone call with your father?

13 A Yes.

14 Q Had those holes been in the car before you had that call
15 with your father to your knowledge?

16 A Can you repeat the question again?

17 Q I'm sorry. When you were traveling to Bernala for the
18 funeral --

19 A Yes.

20 Q -- did your family's car have these bullet holes in them?

21 A No.

22 Q I'm going to show you next Government Exhibit 835. Is this
23 another picture of your family's car?

24 A (Examines photograph.) Yes.

25 Q And again, are these the bullet holes that you saw on your

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1 family's car the day after the incident?

2 A Yes.

3 Q And finally, I'm going to show you Government Exhibit 838.

4 Is that also a picture of your family's car?

5 A (Examines photograph.) Yes.

6 Q And what does it say on the back of the window here?

7 A So it's says, "Shujat."

8 Q And is Shujat your brother's name?

9 A Yes.

10 Q And was that written on the back of the car the day that
11 you went to Bernala for the funeral?

12 A Yes.

13 Q And do you see these letters up here?

14 A Yes.

15 Q What are those letters?

16 A So, it's C-H. It's a short form of Choudhry.

17 Q So I'm sorry. It's C-H, and that's a short form of
18 Choudhry?

19 A Yes.

20 Q And why is that written on the back of your family car?

21 A Because when my father was not in Pakistan, my brother was
22 using the car whenever he came into the country. So for that
23 time period, and he did that.

24 Q Why would your brother have written Choudhry along with his
25 name on the back of the car?

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1 A Because -- so, our caste is Choudhry.

2 MS. HECTOR: "Our caste," which was previously spelled
3 C-A-S-T-E.

4 BY MS. HECTOR:

5 Q Is that the caste that you described earlier in your
6 testimony?

7 A Yes.

8 Q Is that also the caste of Amina's family?

9 A Yes.

10 Q Is that why Amina's family is sometimes referred to as the
11 Choudhry's?

12 A Yes.

13 Q And your family is of that same caste, is that right?

14 A Sorry?

15 Q Your family is also of that same caste, is that right?

16 A Yes.

17 THE COURT: You have to let Ms. Hector finish her
18 question before responding, otherwise, the court reporter will
19 go crazy and we don't want that. Okay?

20 Go ahead.

21 BY MS. HECTOR:

22 Q Okay. After this incident involving your parents, did you
23 return to Chiryawala right away or did you stay in Bernala?

24 A We didn't come back on the day when the incident happened,
25 but we returned to Chiryawala on the next morning.

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1 Q Why did you return to Chiryawala on the next morning?

2 A Because we needed to bring over our clothes because when we
3 went to Bernala, we didn't plan to stay there for a longer
4 terms. So, we need to get our stuff, our books, our clothes.

5 Q Okay. So when you returned to Chiryawala the day following
6 the shooting, did you stay overnight in Chiryawala or just
7 return to get your books?

8 A No, we didn't stay for a night.

9 Q Okay. So I'm going to ask you in a little bit about
10 returning to Chiryawala on that day. But first, I want to ask
11 you: How long did you end up staying in Bernala after the
12 shooting?

13 A For two weeks.

14 Q Why did you stay in Bernala for two weeks?

15 A Because it was different, we were scared of Choudhry's
16 family, and also after the first shooting, when they shoot at
17 my father's car, police, they didn't call with my father.

18 MR. SOSINSKY: Objection, Judge.

19 THE COURT: Overruled, she's saying why.

20 Go ahead.

21 BY MS. HECTOR:

22 Q When you say -- when you said the Choudhrys, after the
23 Choudhrys, this incident, who are the Choudhrys that you're
24 referring to?

25 A Amina's family.

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1 Q Okay. So, I'm sorry, how long did you stay in Bernala?

2 A For two weeks, a time around two weeks.

3 Q Did your sisters, Nayab and Madeeha, stay in Bernala as
4 well?

5 A Not Madeeha. Myself and Nayab both stayed in Bernala.

6 Q And Nayab is your little sister?

7 A Yes.

8 Q Where did Madeeha go?

9 A She went to Kotla with my aunt.

10 Q What about your parents?

11 A I didn't see them for those two weeks time period, but I
12 talk with them on the phone. Sometimes they said we're at
13 home, sometimes they said we're in Kotla with Madeeha.

14 Q Now, during those two weeks that you stayed in Bernala,
15 were you and Nayab missing school?

16 A Yes.

17 Q So, getting back to, you said that the day -- the day after
18 the shooting, you traveled back to Chiryawala to get your
19 books?

20 A Yes.

21 Q And how long were you in Chiryawala on that occasion?

22 A Four or five hours.

23 Q Okay. And where did you go to get your books?

24 A To our home in Chiryawala.

25 Q What happened on the day that you went home to get your

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1 books in Chiryawala?

2 A Can you repeat the question again?

3 Q The day -- focusing your attention on the day that you went
4 to Chiryawala for a couple hours in order to get your books.

5 Do you remember that day?

6 A Yes.

7 Q Did anything unusual happen while you were home that day?

8 A Yes, Javed came into our home.

9 Q When Javed came in, what were you thinking?

10 MR. SOSINSKY: Objection.

11 THE COURT: Overruled.

12 THE WITNESS: Well, I don't understand your question.

13 BY MS. HECTOR:

14 Q Okay. When Javed came in, where were you?

15 A I was sitting with my father.

16 Q Where were you sitting?

17 A In the conference room.

18 Q Who else was with you?

19 A My mom was there.

20 Q What, if anything, did Javed say when he came in?

21 MR. SOSINSKY: Objection.

22 THE COURT: Overruled.

23 A When he came into the room, he was talking to someone on
24 the phone already. And we were sitting on the sofa, and he
25 said -- he came to my father's chair and then he said, "Nazam

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1 wanted to talk to you."

2 Q When Javed came in and said, "Nazam wanted to talk to you,"
3 who did you understand Nazam to be?

4 A Afzal.

5 Q And is Afzal Ajmal's brother?

6 A Yes.

7 Q Is that also Amina's uncle?

8 A Yes.

9 Q So after Javed said, "Nazam wants to talk to you," what
10 happened?

11 A So my father, he took the phone, because I was sitting
12 close to my father and I was able to hear the conversation.
13 Javed -- I'm sorry -- Afzal, he said --

14 MR. SOSINSKY: Objection.

15 THE COURT: Overruled.

16 Go ahead.

17 A Afzal, he said, "If our daughter will come back to our
18 home, so everything will be peaceful like it -- like as it was
19 before."

20 BY MS. HECTOR:

21 Q And when Afzal said, "If our daughter will come home,
22 everything will be peaceful" --

23 A Yes.

24 Q -- who did you understand him to be referring to when he
25 said "our daughter"?

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1 A Amina.

2 Q Afzal was Amina's uncle though, right?

3 A Yes.

4 Q Why is it that you understand -- that you understood him to
5 be referring to Amina?

6 MR. SOSINSKY: Objection to the form.

7 THE COURT: Overrule.

8 A So all three of them they have kids and normally they're
9 calling each of those kids like their own kids, like if this --
10 for example, is Akmal's daughter --

11 THE COURT: Slow it down. Slow it down.

12 THE WITNESS: Sorry.

13 THE COURT: For example -- continue.

14 A Okay. For example, if it's Akmal's daughter, so Ajmal will
15 call her as my daughter, so because they are living in the same
16 home, and that's where he said, "our daughter."

17 BY MS. HECTOR:

18 Q Okay. Based on your understanding living in the village in
19 Chiryawala, did Afzal and Akmal live in the same family home in
20 Chiryawala?

21 A Yes.

22 Q And when Ajmal was in Pakistan, the defendant, Ajmal, did
23 you understand that he lived in that same or stayed in that
24 same home as well?

25 A Yes.

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1 Q Now, after Afzal made this statement to your father, did
2 anyone else get on the phone?

3 A Yes.

4 Q How did you know that someone else got on the phone?

5 A Because my father, he inquired is he Ajmal.

6 Q Is who Ajmal?

7 A The person, the next person who got onto the phone, he
8 said, "Is he Ajmal?"

9 Q Did you hear the person respond?

10 A No, I didn't hear them.

11 Q Did the person say anything?

12 A Yes.

13 Q How did you know it was a new person?

14 A Because the sound was changed, the voice was changed.

15 Q Okay. This additional person, who your father asked, "Is
16 this Ajmal," what did that person say?

17 MR. SOSINSKY: Objection.

18 THE COURT: Overruled.

19 A So I don't remember the pattern. He talked to my father,
20 like what he said first and what he said later, but I remember
21 the few sentences from his conversation that he made with my
22 father.

23 BY MS. HECTOR:

24 Q Please tell us the few sentences that you do remember.

25 A Sure. He said, "If our daughter will not come back to the

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1 home, we will kill all five of you, otherwise we will find your
2 son and we'll kill him or if that is not an option, just leave
3 the Chiryawala and get out of Chiryawala." And further he
4 said, "This time we attack on your car, it was threatening, but
5 next time we will -- we will shoot all in the chest or all five
6 of you."

7 Q So, this is -- I'm sorry, can you repeat that last part?

8 A Sure. He said, "This time, we shoot on your car. It was
9 threatening, but next time we will shoot in the chest of all
10 five of you."

11 Q Now, I believe you said this, but besides you and your
12 father and Javed, who else was in the room with you during this
13 conversation?

14 A My mom was also there.

15 Q Did the phone call eventually end?

16 A Yes.

17 Q And after the phone call ended, did Javed leave your house?

18 A I don't remember like he left immediately or he stayed
19 further. But he didn't stay there for a longer time, I mean
20 like 30 minutes or 40 minutes.

21 Q After Javed left, did you have a discussion with your
22 family about -- without telling us what was said, did you have
23 a discussion with your family about what you should do?

24 A So at that time, they were able to go into the police
25 station, at least register their complain, that somebody

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1 should -- that Akmal and his group shooted on their car. So,
2 without any discussion, they went to the police station.

3 Q I'm sorry, say that again?

4 A Without any discussion, like whatever I can remember, they
5 went to the police station, and Madeeha and myself, we both
6 came back to the Bernala.

7 Q You said so you and your sister went back to Bernala?

8 A Yes.

9 Q Okay. And that's the period which you then stayed in
10 Bernala for about two weeks?

11 A Yes.

12 Q After staying in Bernala for about two weeks, where did you
13 go next?

14 A We turned back to Chiryawala.

15 Q Did you return to your family home?

16 A Yes.

17 Q When you returned to your home in Chiryawala, did your
18 sisters, Nayab and Madeeha, come as well?

19 A Nayab she came -- she returned back with me, but not
20 Madeeha.

21 Q Where did Madeeha stay?

22 A She stayed in Kotla.

23 Q Did Madeeha also eventually return home?

24 A Yes.

25 Q Do you remember approximately when it was that you

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1 returned?

2 A It was a mid of February.

3 Q Why did you decide to return home when you did?

4 A Because none of the Punchaid was deciding anything about
5 the issue, and they were just bothering my father every day for
6 no reason, because we were not -- we were not involved in
7 anything. So, none of us knew that for how long we have to
8 continue with the situation, and also my father said, "We
9 can" --

10 MR. SOSINSKY: Objection.

11 THE COURT: Overruled.

12 Go ahead.

13 A "We just cannot leave away from our living for someone's
14 problem." So -- and also my father and my mom, they both were
15 so lonely and alone at home and they were just facing the whole
16 situation by themselves and there was no one at home to support
17 them.

18 Q After you returned home, did life get back to normal?

19 A No.

20 Q I'm sorry?

21 A No.

22 Q Can you describe the ways in which life wasn't normal?

23 A It was most scary and also like I would say our whole world
24 was confined in the walls of our own home, because outside of
25 our home, it was just a danger and life threatening situation.

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1 Q Prior to ever finding out about an issue between your
2 family and Amina's family, what would your dad typically do
3 during the day?

4 A He normally spend his time in the cattle farm because that
5 was his work.

6 Q After you returned from Bernala, did your father go to the
7 cattle farm anymore?

8 A To -- I'm sorry?

9 Q I'm sorry. After you returned from Bernala, did your
10 father continue to go to the cattle farm during the day?

11 A No.

12 Q What happened to the cattle?

13 A Because he sold the cattle to his friends in different
14 towns and villages.

15 Q After you returned to Bernala and during this time period,
16 were you sleeping in the same place that you normally slept?

17 A No.

18 Q Where were you sleeping instead?

19 A So, like, in my country, we are storing up wheat for one
20 year, so that's why we have our really big containers to the
21 rooftop.

22 Q Are you saying wheat as in the grain wheat?

23 A Yes.

24 Q Continue, please.

25 A That was the room that we stored the -- where we had the

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1 wheat containers, and one of the wheat container was in front
2 of the door, the door that was attic for outside. So we just
3 started -- if they would do the gun fire again, maybe just
4 because of these wheat containers, those bullets, they won't
5 hurt us anymore. I don't know how to explain it.

6 Q So you slept in the room with the wheat containers?

7 A Yes, in the storeroom.

8 Q Did anyone come to live with you during this time period?

9 A Yes.

10 Q Who came to live with you?

11 A Zameer.

12 Q Who is Zameer with respect to your family?

13 A He's my cousin's daughter -- son, sorry.

14 Q Your cousin's son? So he's a familial relation to you?

15 A I don't understand the question.

16 Q He's a --

17 A Yeah.

18 Q I apologize for my choice of words.

19 He was a relative of yours?

20 A Yes.

21 Q And did Zameer live in Chiryawala?

22 A Mean?

23 Q Before coming to live with you, had he been living in
24 Chiryawala?

25 A No, he was from a different town.

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S. ASGHAR/DIRECT/HECTOR

1 Q Did his family live in a different town?

2 A Yes.

3 Q Do you know whether that town was close or far away or
4 anything about that town?

5 A It's very far.

6 Q After Zameer came to live with you, what, if anything, did
7 Zameer do around the house?

8 A So, like in our home we have three floors. So, we were
9 living in the ground floor, the first floor, and there was no
10 one living in our second floor. So we normally, wherever
11 about him, he went there, and he was making the phone calls and
12 doing different, strange things.

13 Q When Zameer -- when Zameer came to live with you, had your
14 family been using that car, the Jeep that you previously
15 described having been shot at?

16 A No, they weren't using the car.

17 Q Why wasn't your family using the car?

18 A Because Amina's family, they knew that this is our car, and
19 again, because we were scared a lot before that day, attacked
20 on our car. So next time, maybe if we're going to use our car
21 again and they would find we're here in Chiryawala again.

22 Q Without the car, how did your family get around during this
23 time if you needed to go somewhere?

24 A So it was only my father and my sister, Madeeha, later when
25 she came back from Kotla. So we had a motorcycle -- motorbike.

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1 So, Zameer was a person who know how to use a motorbike, but my
2 father, he did not. So that was a way for Zameer to stay at
3 other home.

4 Q So Zameer drove your family members around as needed on the
5 motorbike?

6 A Yes.

7 Q Okay. Before the shooting incident, how would -- what did
8 Madeeha do? Was Madeeha -- your sister, Madeeha, was she in
9 school or did she work, what did she do?

10 A She was a school teacher.

11 Q And before the shooting incident happened, how would
12 Madeeha get to and from school for work?

13 A Before?

14 Q Uh-hum (affirmative response).

15 A You said "shooting"?

16 Q Before the shooting?

17 A With my father or sometimes with her friends.

18 Q After the shooting incident and you came back from Bernala
19 and Zameer came to live with you, how would Madeeha get back
20 and forth from her job at the school?

21 A You said after?

22 Q After the shooting, when Zameer came to live with you --

23 A Yeah.

24 Q -- how would Madeeha get back and forth to her job at the
25 school?

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1 A So before her murder, she stayed in Chiryawala for I guess
2 about two days. Yeah, two days. So, in -- for those two days,
3 Zameer helped her to go to school and come back from school on
4 the motorbike.

5 Q Okay. So, after you came back from Bernala, and you were
6 sleeping in the room with the grain, did you start attending
7 school again?

8 A Yes.

9 Q What made you decide to start attending school again?

10 A Because my father, he was really supportive and he said --

11 MR. SOSINSKY: Objection.

12 THE COURT: Overruled.

13 A "Why -- why you guys are just not making up your future,
14 just staying at home and doing nothing?" So, and also exams
15 were so close, and then I talked to my father that we have to
16 go back to school, and he was agreed, that's why.

17 BY MS. HECTOR:

18 Q Did Nayab, your little sister, also start attending school
19 again?

20 A Yeah.

21 Q What school were you attending at the time?

22 A It's in another town, Bhimber.

23 Q Is Bhimber B-H-I-M-B-E-R?

24 A Yes.

25 Q What is the school called?

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1 A It's Government Degree College.

2 Q Is there any reason in particular that you chose that
3 school?

4 A Well, I just like their schedules.

5 Q How many days a week did you attend school regularly?

6 A Six days.

7 Q Six days?

8 A Yes.

9 Q And did you have to be at school a particular time in the
10 morning?

11 A We just had to be around that time, like nine o'clock.

12 Q Did you get out of school at the same time every day?

13 A No.

14 Q What time -- what time range would you typically get out of
15 school?

16 A So after five o'clock, the doorman, he opened the door
17 every day. So, whoever is done, whoever likes to skip the
18 period or whatever, like to stay for a longer, can stay, and
19 who doesn't want to stay there, can go.

20 Q So what would be the earliest time you would leave school
21 on any given day?

22 A After twelve o'clock, anytime like one o'clock.

23 Q Okay. What would be the latest you would stay at school?

24 A I just remember like once I stayed there for 3:30 for my
25 chemistry practicals.

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1 Q And would the time vary day by day about when you would
2 leave?

3 A I'm sorry, say that again?

4 Q Did the time that you would leave school, did it vary,
5 change, depending on what day it was?

6 A It don't have to be like the day, particularly, it depends
7 on how many periods I can take, I'm interested in taking that
8 day, so.

9 Q Okay. So it would be anywhere between 1 or 1:30 and 3:30
10 that you would leave?

11 A Yeah.

12 Q Okay. Could you leave as earlier as early noon if you
13 wanted?

14 A Well, if there is a particular reason.

15 Q Okay. How would you typically get to school?

16 A I use the local van, public transport.

17 Q Was the public van only for students who went to your
18 school or could anyone in this community get on the van?

19 A Anyone.

20 Q What route -- the van that you took to school, what route
21 did that van travel?

22 A From Bhimber to Gujrat. That's what the road called.

23 Q And do you know how many stops there are between Bhimber
24 and Gujrat?

25 A So the others have five or six stops, like wherever you

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1 want to get off, just tell them whenever they have stopped away
2 from there, because I want to get off here, but there are few
3 specific stops the van has to stop.

4 Q Was there a particular spot or stop that you would use to
5 get on and off the van in Chiryawala?

6 A No particular, just depends. Yeah.

7 Q Okay. Were there more than one van stop in Chiryawala?

8 A Yeah.

9 Q And how would you get from your house to the van stop in
10 the morning?

11 A I walked.

12 Q How long would it take you to walk from your house to the
13 van stop?

14 A Like 20 or 25 minutes.

15 Q Would you typically walk by yourself?

16 A Mostly my mom, she walked with me.

17 Q Okay. And then once you got on the van, how long was the
18 drive to get to where your school was in Bhimber?

19 A It's around half an hour.

20 Q And then once you got -- once the van took you to Bhimber,
21 would you walk from that stop to your school?

22 A Yes.

23 Q And how long was that walk?

24 A It's likes five minutes -- five or ten minutes.

25 Q Okay. And would you come back the same way, by walking to

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1 a van stop, getting on the van, getting off in Chiryawala, and
2 then walking home?

3 A Yes.

4 Q Okay. And when you would come home from school and get off
5 at the van stop in Chiryawala, would you walk home by yourself?

6 A No, my mom, with my mom.

7 Q Okay. I'd like to just ask you a few questions about how
8 the public van transportation works in Chiryawala, okay?

9 A Sure.

10 Q Are the vans that you just described, are they privately
11 owned or are they public vans?

12 A They're privately owned.

13 Q So individual people own the vans?

14 A Yes.

15 Q And do you have a general understanding of how someone gets
16 to use their private van to drive along the route, the van
17 route that you just described?

18 MR. SOSINSKY: Objection, Judge.

19 THE COURT: Overruled, if she has an understanding.

20 A So because there is a special route from Punjab to Bhimber,
21 so if someone has to own his car -- on his van and put that on
22 a route, so, it has to get permission from any political
23 leader.

24 Q Okay. Are you familiar with the name Abid Reza?

25 A Yes.

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1 Q Is Abid Reza a political person, a leader in Pakistan?

2 A Yes.

3 Q Do you know what position Abid Reza holds?

4 A I don't know what his political position, but like his
5 friends, they're all in politics, and he's also in politics, so
6 I don't know what his political position.

7 Q Are you familiar with someone named Irfan Uddin?

8 A Irfan Uddin, yes.

9 Q Is he also a politician in Pakistan?

10 A Yes.

11 Q Do you know what position he holds?

12 A He position is called MPA.

13 Q Do you know what that stands for?

14 A It's Member of Provincial Assembly.

15 Q Now, getting back to this van route, is there only one
16 driver that does the route that you just described that you
17 used to go to school or are there multiple drivers that have
18 vans?

19 A Because they're multiple vans, so each one has his own --
20 his own driver.

21 Q Would you always take the same exact van to go to school
22 and come back from school?

23 A It just depends on the -- which is the next one.

24 Q So, you would just take the next one that came?

25 A Yeah.

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1 Q And generally speaking, so that we understand what these
2 vans are like, how many people fit on one of these public vans?

3 A So legally had to be 20 people.

4 MR. SOSINSKY: Objection.

5 THE COURT: Overruled.

6 MR. SOSINSKY: Legal.

7 THE COURT: Overruled.

8 You may answer.

9 THE WITNESS: But --

10 THE COURT: Go ahead.

11 A But in Pakistan, like people, they not always following the
12 law, all that stuff, so it's more than 20.

13 BY MS. HECTOR:

14 Q Do people squish themselves onto the van?

15 A Yeah, like, normally has four peoples in one long seat, but
16 normally they tend to be like five peoples in that place.

17 Q Okay. Now, do you know the names of any of the van drivers
18 who drove the vans that you took to and from school?

19 A No, because they are from different villages, so.

20 Q Would there ever be occasions when the van drivers that you
21 would see on the vans going to and from school with would
22 address you by your name?

23 A No.

24 Q Can you describe for the jury what kind of clothing you
25 wore when you went to school every day?

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1 A So it's large gown with a scarf, and I used to cover my
2 face with that scarf or veil.

3 Q A veil?

4 A Yeah.

5 Q Okay. So you said a long gown?

6 A Yes.

7 Q How long was the gown that you wore?

8 A To my feet.

9 Q Did it cover from your neck to your feet?

10 A Yes.

11 Q Was it long sleeved?

12 A Yes.

13 Q And you said you had a scarf on your head?

14 A Yes.

15 Q And where did the scarf cover?

16 A Except eyes, it covered the whole face.

17 Q You had a -- when you say your whole face was covered, did
18 you have a piece that covered your nose and mouth?

19 A Yes.

20 Q So just your eyes were showing?

21 A Yes.

22 Q Okay. And was that what you always wore to go to school or
23 would it change?

24 A I would go in similar one, like I had two of them, so
25 similar thing.

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1 Q Okay.

2 MS. HECTOR: I'd like to show the witness only three
3 exhibits for identification.

4 THE COURT: All right. When you do that and when you
5 finish, then we'll take our break.

6 MS. HECTOR: Certainly.

7 BY MS. HECTOR:

8 Q Ms. Asghar, if you could just look at the screen for a
9 second? I'm showing you Government Exhibit 34. Do you see
10 that?

11 A Yes.

12 Q And Government Exhibit 35. Do you see that?

13 A Yes.

14 Q And Government Exhibit 40. Do you see that?

15 A Yes.

16 Q What are these?

17 A These are maps.

18 Q Okay. Are they maps showing the area of Chiryawala?

19 A Yes.

20 Q And to the best of your knowledge, do they depict what the
21 area of Chiryawala looks like by aerial view?

22 A Yes.

23 MS. HECTOR: The government moves to admit 34, 35 and
24 40.

25 THE COURT: Any objection?

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1 MR. SOSINSKY: None, Judge.

2 THE COURT: They're admitted. Why don't we take our
3 break now and then we will resume with the examination of the
4 witness with respect to the exhibits? How much more do you
5 have for this witness, do you anticipate, roughly?

6 MS. HECTOR: I would say roughly a half-hour-ish.

7 THE COURT: Okay. We'll take a twelve-minute break.
8 How's that? More than 10, less than 15 -- or should we take
9 15? Twelve is good? Okay. Twelve-minute break. Thank you.

10 (Jury exits.)

11 THE COURT: You may step down. Thank you. Again,
12 don't talk with anyone about your testimony during the break.

13 Okay. The jury has left the courtroom. Do we have
14 any procedural issues to deal with?

15 MR. SOSINSKY: (Shakes head negatively.)

16 THE COURT: Okay. It's good that we didn't wait for
17 the techie to come back to fix the sound. It's past being
18 prologued.

19 Anything else, either side?

20 MS. HECTOR: No, Your Honor.

21 THE COURT: Defense, anything?

22 MR. SOSINSKY: No, sir.

23 THE COURT: Okay. Twelve minutes. Thank you.

24 (Recess.)

25 (Continued on the next page.)

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1 (In open court, outside the presence of the jury.)

2 (Defendant enters the courtroom.)

3 THE COURT: May we have the witness back on the stand,
4 please.

5 (Witness resumes the stand.)

6 (Jury enters courtroom.)

7 THE COURT: Thank you, ladies and gentlemen of the
8 jury, appreciate it. Please be seated and we will continue
9 with the examination of the witness.

10 Ma'am, did you speak with anyone about your testimony
11 during the break?

12 THE WITNESS: No.

13 THE COURT: Okay. Please continue.

14 DIRECT EXAMINATION (Continued)

15 MS. HECTOR: Mr. Jackson, if you would, please, this
16 is an item that's in evidence now, so it can be shown to the
17 jury, Government Exhibit 34.

18 (Exhibit published to the jury.)

19 BY MS. HECTOR:

20 Q Ms. Asghar, can you see this on your screen? Hopefully,
21 it's a little clearer on your screen than it is on the big
22 screen. Do you see that?

23 A Yes.

24 Q Do you see your village in this map?

25 A Yes.

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1 Q Where's your village?

2 A (Indicating.)

3 MS. HECTOR: Please let the record reflect that the
4 witness has put a red dot. There are sort of two sort of areas
5 of buildings, and the witness has put a dot on the area that's
6 on the right-hand side of the page.

7 Q Is your house --

8 THE COURT: The middle right. Okay, go ahead.

9 Q Is your house in that part of the village?

10 A I can't recall.

11 Q Just generally speaking, is your house in the sort of area
12 of the village that I'm circling with my finger, which
13 encompasses sort of all the buildings in this side of the map?

14 A Yes.

15 Q Okay. And do you see the road on which the van stop is?

16 A Yes.

17 Q Can you point out that road?

18 A Sure (indicating).

19 Q And is that the sort of yellow road that sort of
20 transverses the left-hand side of the map?

21 A Yes.

22 Q And you said it's about a half hour walk from the bus stop
23 to your home?

24 A Yes.

25 Q I'm going to show you Government Exhibit 40, and if it's

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1 too small -- if you just tap the right-hand part of your
2 screen, the dots you made will go away so you'll have a new
3 screen. There you go. Perfect.

4 So if it's too hard to see because the map is small,
5 just tell me and we don't have to bother anymore, but this is
6 the -- does this look like the area that you described as the
7 part of the village where your house is?

8 A Yes.

9 Q And this is Government Exhibit 40, for the record. Do you
10 happen to see your house on this map?

11 A Yes.

12 Q You do?

13 A Yes.

14 Q Okay. Can you point to it and make a little dot?

15 A Sure. (Indicating.)

16 Q Okay. Is -- what shape is your house?

17 A It's a round kind of oval shape thing.

18 Q So where you made this dot here, I see an oval shape right
19 there. Is that where you're looking at?

20 A Yes.

21 Q Is that your house?

22 A Yes.

23 Q And is your roof oval-shaped?

24 A The third part of the home is oval-shaped.

25 Q Thank you. Now, Ms. Asghar, I'd like to direct your

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1 attention to February 25th, 2013. Is that a day that stands
2 out in your mind?

3 A Yes.

4 Q Did you go to school on that day?

5 A Yes.

6 Q Were you wearing the kind of clothing that you earlier
7 described that you would wear to school?

8 A Yes.

9 Q Do you remember approximately what time you left your house
10 to go to school that morning?

11 A It was after 7:00, yes, 7:30, sometime around there.

12 Q Now, when you would leave for school, would you tell your
13 mom what time to meet you at the bus stop at the end of the
14 day?

15 A Yes.

16 Q Do you remember on that day, February 25th, whether you
17 told your mom a particular time to meet you?

18 A Yes.

19 Q What do you remember telling her?

20 A I told her, Mom, you have to be there at 1:30.

21 Q Okay. Did you take -- after you were at school -- so you
22 went to school that day?

23 A Yes.

24 Q And did you take the public van home that day?

25 A Yes.

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1 Q Do you remember whether you got to the bus stop around
2 1:30, when you told your mom?

3 A It was not exactly 1:30, but a little bit later, like five
4 minutes later than 1:30.

5 Q Do you remember whether or not the van was full or empty or
6 halfway full, or do you remember, that day coming home?

7 A It was pretty full.

8 Q Was there anyone -- besides the driver of the van, was
9 there anyone on the van who worked with the driver?

10 A I don't -- I don't know.

11 Q Does the driver collect your fare every day?

12 A Not only -- there's another person who collects the fare.

13 Q Was there another person that day?

14 A Yes.

15 Q Now, did you get out of the van at the normal place where
16 you would usually get out on that day?

17 A Yes.

18 Q And was your mom waiting for you?

19 A Yes.

20 Q Was anyone with your mom?

21 A No.

22 Q And where were you planning to go with your mom when you
23 got off the van?

24 A To go back to home.

25 Q And that was about a half hour walk?

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1 A Yes.

2 Q Now, at that time of day in your village, would the streets
3 typically be empty or would people be walking around?

4 A Like people, they were walking around, because mostly the
5 girls and -- they were coming back from the colleges, so they
6 were on the street.

7 Q And did you start walking towards your home with your mom?

8 A Yes.

9 Q At any point along your walk did you see any of your other
10 family members?

11 A Yes.

12 Q Who did you see?

13 A My father and my sister Madeeha.

14 Q What were they doing when you saw them?

15 A They were on the bike on the road. And we took the -- the
16 way that is in, actually, fields and is just for walking.

17 Q Did you say the way that you were walking was in fields and
18 it was just for walking?

19 A Yes.

20 Q Okay. And could a bike take -- a motorbike take the way
21 that you were walking with your mom?

22 A No.

23 Q Does a motorbike have to go on a different type of road?

24 A Yes.

25 Q And when you saw your dad and your sister, were they on the

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1 motorbike?

2 A Yes.

3 Q Who was driving the motorbike?

4 A Zameer.

5 Q What did you do when you saw them?

6 A I just waved toward my sister.

7 Q Did your sister see you?

8 A Yes.

9 Q Did she wave back?

10 A Yes.

11 Q When you saw your sister and your dad and Zameer on the
12 motorbike, how far along your walk were you? Like if it's a
13 half hour walk, were you at the beginning of the walk, halfway,
14 almost home?

15 A Almost at the mid.

16 Q At the midpoint about, almost at the midpoint?

17 A Yes.

18 Q Okay. After you saw your dad and your mom pass by on the
19 motorbike, what's the next thing that you remember happening?

20 A So when we were close to our home, just like one street
21 away, we heard the -- the sound of gunfires.

22 Q Gunfire?

23 A Yes.

24 Q Was there a lot of gunfire or a little gunfire? Do you
25 know how many shots you heard?

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1 A First there were two, and then later like a lot of them
2 together.

3 Q Were the shots spread out or were they close in time to
4 each other?

5 A They were close in time to each other.

6 Q Do you remember if you were near any landmarks when you
7 first heard the shooting?

8 A Say that again.

9 Q Were you near any landmarks, like any particular buildings
10 or anything that you remember, when you first heard the
11 shooting?

12 A Yes.

13 Q What were you near?

14 A It was the mosque in our community.

15 Q Is the mosque a religious building?

16 A Yes.

17 Q Where did you hear the shots coming from in relation to
18 where you were walking?

19 A It just seemed -- it just sounded like they were close to
20 us, like very close.

21 Q What did you do when you heard the shots?

22 A We ran toward the place where we heard -- from where we --
23 we heard the sound of the gunfires.

24 Q I'm sorry, you said you what?

25 A We ran toward the...

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1 Q You ran toward the place where you heard the gunfire?

2 A Yes.

3 Q When you say "we," who are you talking about?

4 A My mom and myself both.

5 Q Why did you run toward the place where you heard the
6 gunfire?

7 A It was something -- I don't know -- major happened, and
8 also because my father had a past experience with the gunfire
9 stuff. So that's why that made us go toward the place where we
10 heard the gunfires.

11 Q Did your mom run with you?

12 A Yes.

13 Q What did you see when you ran towards the area where the
14 gunfire was coming from?

15 A Can I just take a break just for two minutes?

16 Q You can just sit there for two minutes, that's fine. You
17 tell us when you're ready.

18 (Pause in the proceedings.)

19 A So when we went in the corner of the street where we heard
20 the gunfires, when we got there...

21 Q Take your time.

22 (Pause in the proceedings.)

23 A So when my mother and myself got there, I saw my father's
24 body on the floor. I'm sorry, I can't explain it. Can you
25 call for an interpreter to have available?

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1 Q An interpreter?

2 A Yes.

3 MS. HECTOR: I believe we do have an interpreter
4 here, Your Honor.

5 THE COURT: What we can do is we can have now the
6 interpreter sworn. And would you like to testify in your
7 native language and we'll have that translated to English, is
8 that what you would like? Is that why you want the
9 interpreter, ma'am, rather than to say it in English? Is that
10 what you're asking?

11 A I don't think anyone can understand in the way that I'm
12 describing, so it would be better.

13 THE COURT: Okay. So, ladies and gentlemen, what
14 we're going to do is we're going to have the interpreter --
15 we're going to have the question put by Ms. Hector. The
16 interpreter will interpret it into the language. It will then
17 be translated back into English.

18 Ma'am, would you -- I'm sorry, would you raise your
19 right hand, please, and would you state your name. You're
20 going to be sworn in by Mr. Jackson.

21 THE INTERPRETER: My name is Manju Verma.

22 (Interpreter sworn.)

23 THE COURT: Okay. So you will share the microphone.

24 Ms. Hector, please proceed with your question in
25 English. It will be translated and then you will give the

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1 response. Put your question, give your answer, and then you
2 will give the answer that you hear in English. Okay?

3 MR. SOSINSKY: Your Honor, could we --

4 THE COURT: No. Sit down. No. Go ahead.

5 MR. SOSINSKY: What language?

6 THE COURT: What language are you speaking, ma'am?

7 THE INTERPRETER: Punjabi.

8 THE COURT: Punjabi.

9 MR. SOSINSKY: Thank you.

10 THE COURT: You're welcome.

11 Q Ms. Asghar, feel free to use the interpreter or to answer
12 in English my questions, whichever you're more comfortable --

13 THE COURT: No, we're not going to switch back and
14 forth, okay. You're going to ask your questions in English,
15 you're going to translate them into Punjabi, you're going to
16 answer in Punjabi, and then we'll go back.

17 So we're going to make it clear, and then if we go
18 back to the English form we'll do it. But I'm not going to
19 have a record that's a mishmash, okay? So go ahead.

20 Q Ms. Asghar, can you explain what you saw when you ran with
21 your mom in the direction of where you heard the shooting?

22 A I saw my father's dead body on the ground.

23 Q What else did you see?

24 A Akmal and other people who were standing there, and they
25 were -- they were around my sister.

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1 Q Besides Akmal, did you recognize any of the people that
2 were standing around your sister?

3 A Yes.

4 Q Can you name those people?

5 A Sure. Nisar, Babar, Sain Ashfaq.

6 Q And when you say they were standing with your sister, where
7 was your sister?

8 A Her body was on the drain.

9 Q On the drain?

10 A There was a drain close to the wall. Her body was on the
11 drain.

12 Q Is another word for a drain a gutter?

13 A Yes, something like that.

14 Q When you saw your sister's body, was she moving or was she
15 not moving?

16 A Her feet were moving.

17 Q How were they moving?

18 A Like someone was shaking.

19 Q You said that you saw Akmal, Nisar, Babar and Sain Ashfaq;
20 is that right?

21 A I'm sorry?

22 Q I can repeat it. You said that you saw Akmal, Nisar, Babar
23 and Sain Ashfaq; is that right?

24 A Yes.

25 Q Is Akmal Amina's uncle?

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1 A Yes.

2 Q Is that also Ajmal's, the defendant's brother?

3 A Yes.

4 Q Is Babar the boy that Amina got married to?

5 A Yes.

6 Q Is Nisar Babar's father?

7 A Yes.

8 Q And do you know who Sain Ashfaq is?

9 A He lives in Afzal's house and he works there.

10 Q When you say that Sain Ashfaq lives in Afzal's house, is
11 that also Akmal's house?

12 A Yes.

13 Q Is that also the house that you understood Ajmal to stay in
14 when he was in Pakistan?

15 A Yes.

16 Q And what, if anything, were these people doing when you saw
17 them standing over Madeeha's body?

18 A They were kicking the body. They were using their guns.

19 Q Who had guns?

20 A I had seen four people there, and all of them there were
21 having guns in their hands. I'm sorry.

22 (The witness answered in English as follows:) I said
23 I recognized those four people, four of them, they had the
24 guns, but there were a few other peoples also.

25 Q The four people who had the guns, were those the people

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1 that you described as Akmal, Nisar, Babar, and Sain Ashfaq?

2 I'm sorry?

3 A She said yes.

4 Q Can you describe what type of guns they were?

5 A They were long. I cannot describe you what kind they were.

6 Q The people that were holding the guns, were they holding
7 them with one hand or two hands?

8 A Exactly I remember is that Akmal was holding the gun with
9 both hands.

10 Q Did you hear anyone say anything?

11 A Yes.

12 Q What did you hear someone say?

13 A "They're here, catch them and kill them."

14 Q Who did you understand -- who said: "They're here, catch
15 them and kill them"?

16 A Akmal.

17 Q Who did you understand to be the "them" that Akmal wanted
18 to catch and kill?

19 A Because my mother and me got there, and when I saw my
20 father's dead body, I screamed.

21 Q Did anyone say anything about Madeeha?

22 A Yes.

23 Q Who said something about Madeeha?

24 A Akmal.

25 Q What did Akmal say about Madeeha?

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1 A He said: They talk a lot against our family, now I'm
2 taking revenge.

3 Q What did you understand that to mean when you heard that?

4 A When I call Javed, I didn't mention him my name, and I
5 thought they understood that it was Madeeha who called him.

6 Q So you thought that maybe he was referring to you having
7 called Javed?

8 A Yes.

9 Q Is Javed a relative of Akmal's?

10 A Yes.

11 Q Did you see Zameer there?

12 A I was there for a few seconds. I didn't pay attention.

13 Q So does that mean you didn't see him?

14 A No.

15 Q Did you hear -- after you got to the scene, did you hear
16 any additional shots being fired?

17 A They were firing in the air.

18 Q Do you know who was firing in the air?

19 A There were three people standing on one side and their guns
20 were up in the air.

21 Q And were they firing?

22 A In my understanding, yes, it was them.

23 Q Could you see those people's faces?

24 A No. They were back on me, on my side.

25 Q Their back was to you?

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1 A Yes.

2 Q You said that you screamed when you saw that; is that
3 right?

4 A Yes.

5 Q What's the next thing that you did?

6 A Then I screamed, like we say in our language, "Abu." Abu
7 is father.

8 Q You screamed "father"?

9 A Yes.

10 Q And then what did you do?

11 A When they saw us, they said, don't let them go, kill them.
12 Then my -- my mother pulled me and said, let's go, they are
13 coming after us.

14 Q And what do you remember happening next?

15 A When we were running away, my mother was holding my hand.
16 And when we were running, there was a pothole and I hopped and
17 then fell. And my mother -- I was not -- my mother ran away
18 and she went into someone's house.

19 Q When you fell, did you become separated from your mother?

20 A Yes.

21 Q And then what happened?

22 A When I looked back, there are four people were coming
23 towards me.

24 Q And what, if anything, did you see those people doing?

25 A It was something like gun. I don't know what it was they

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1 were pulling.

2 Q I'm sorry, can you explain further?

3 A I don't know what it was. There was something in the gun.

4 They was pulling out that part of the gun.

5 Q Someone was pulling out a part of the gun?

6 A Yes.

7 Q Did you see who was doing that?

8 A All I remember, it was Akmal.

9 Q I'm sorry?

10 A It was Akmal. That's all I remember.

11 Q And what did you do?

12 A There was a narrow street and I ran into that.

13 Q And then where did you go?

14 A There was a house and the door was open. I went into that.

15 Q At the point that you went into that open door, did you

16 know whose house it was?

17 A No.

18 Q And what did you do when you went in?

19 A I went to one of that place's rooms and I locked from
20 inside.

21 Q And you locked the -- you locked yourself into a room in
22 that house?

23 A Yes.

24 Q What did you do next?

25 A The people who were holding the guns, I could hear their

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1 voices.

2 Q What did you hear voices saying?

3 A I don't know. One of the persons was saying -- was talking
4 on the phone. They said that they're somewhere here, it's hard
5 to find them. But --

6 Q It -- I'm sorry, go ahead.

7 A And people around us, it's hard for us to find them.

8 Q So I just want to make sure I understand. You heard
9 someone who sounded like they were talking into a phone; is
10 that right?

11 A Yes.

12 Q And what did you hear that person say?

13 A "They are here. People are starting gathering, so it's
14 hard to find them."

15 Q Who did you understand the "them" to be?

16 A Obviously, it was my mother and I. We were there.

17 Q At that point, did you know where your mom was?

18 A I had seen my mother go into the house where she was
19 hiding.

20 Q You saw your mom run into a house as well?

21 A Yes. Then I was separated from my mother, and that house
22 was very close to that place.

23 Q Ms. Asghar, I'd like to show you some photographs. I'm
24 going to just show the witness these, please. Please look at
25 them and tell me if you've seen them before and if you

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1 recognize them once I get through the set. This is Government
2 Exhibit 806 for identification, 811, 819, 821, 825, 829 and
3 833.

4 Have you seen those photos before?

5 A Yes.

6 Q Yes? Is it fair to say that the photos depict the scene
7 where your sister and your father were murdered as well as some
8 of the funeral pictures from after their murder?

9 A Yes.

10 Q Do the pictures fairly and accurately depict how you
11 remember seeing things on that day and the days that followed?

12 A Yes.

13 MS. HECTOR: The government moves to admit 833, 829,
14 825, 821, 819, 811 and 806.

15 THE COURT: Any objection?

16 MR. SOSINSKY: No.

17 THE COURT: They're admitted. You may publish to the
18 jury.

19 (Government Exhibits 806, 811, 819, 821, 825, 829 and
20 833 received in evidence.)

21 Q Ms. Asghar, if I could just show you one more thing before
22 we publish. Thank you.

23 Do you see this drawing that I put in front of you?

24 A Yes.

25 Q Is this a map that you drew that depicts the area in which

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1 you found the bodies of your sister and your father?

2 A Yes.

3 Q And is it a fair and accurate depiction of how you remember
4 the streets in that area?

5 A Almost like that.

6 MS. HECTOR: The government moves to admit Government
7 Exhibit 42.

8 THE COURT: Any objection?

9 MR. SOSINSKY: No objection.

10 THE COURT: It's admitted.

11 (Government Exhibit 42 received in evidence.)

12 Q Ms. Asghar, I'm going to try to do this quickly. If this
13 could be published to the jury now.

14 (Exhibit published to the jury.)

15 Q Can you describe what's depicted in Government Exhibit 806?

16 A It's my father's body.

17 Q Is this relatively the position that you found your
18 father's body in when you came to the scene of the shooting?

19 A Yes.

20 Q The scarf that is over your father's head, do you see that?

21 A Yes.

22 Q Was that scarf over your father's head when you first came
23 to the scene?

24 A No.

25 Q Do you know whose scarf that is?

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1 A It's my mother's.

2 Q Did you later -- when you later came out of the house that
3 you were hiding in, was the scarf then over your father's face?

4 A I did not go to that scene later on.

5 Q Is this the motorbike that your father and your sister and
6 Zameer were riding that day?

7 A Yes.

8 Q And this metal structure that I'm pointing to in the middle
9 of the screen, do you know what that is?

10 A It's a frame, a bed frame.

11 Q Can you point to where your sister's body was in this
12 picture when you first came upon the scene?

13 A (Indicating.)

14 Q Was it on the opposite side of the bike as your father's
15 body?

16 A Yes.

17 Q And is this the gutter that I'm pointing to along the wall
18 that you were referring to earlier?

19 A Yes.

20 Q And can you describe in this picture, if you can, where it
21 was that you saw Akmal and Babar and Nisar and Sain Ashfaq?

22 A Akmal was here, as she's pointing. The other one was
23 standing here by the bike where she is pointing at, over here
24 (indicating).

25 Q So Akmal was standing on this side of the bike and the

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1 other men were standing on the other side of the bike; is that
2 right?

3 THE INTERPRETER: I'm sorry, interpretation needs a
4 clarification. Akmal and what other person you said --

5 Q I'm sorry. So Akmal was standing on this side of the bike
6 and Babar, Nisar and Sain Ashfaq were on this side; is that
7 right?

8 A Babar was not there.

9 Q Where was Babar?

10 A Over here where she's pointing at (indicating).

11 Q So let me just make the record clear. The area where Babar
12 was is in front of the blood that's in the lower middle part of
13 the photograph?

14 A (No response.)

15 THE COURT: You have to answer. You have to answer.
16 Why don't you do it this way, Ms. Hector: Call out a name and
17 ask her to identify, if she can, where that person was. Let's
18 do it seriatim, one at a time.

19 Q Ms. Asghar, could you point on the screen to where you saw
20 Nisar, if you can remember?

21 A Over here (indicating), a little bit on the side.

22 Q Is it fair to say that Nisar was on the opposite side of
23 the bike as your father's body?

24 A Yes. My sister's dead body was laying down there.

25 Q Was Nisar near the wall?

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1 A Yes.

2 Q And can you again point to where you saw Akmal standing?

3 A (Indicating.)

4 Q And is it fair to say that that's the area sort of where
5 this column is between the yellow wall and the orange door?

6 A Yes.

7 Q Do you see this black bag that I'm pointing to here?

8 A Yes.

9 Q Do you recognize that?

10 A Yes.

11 Q What is it?

12 A It's my sister's bag.

13 Q Can you point to where you saw Babar, Amina's husband?

14 A (Indicating.)

15 MS. HECTOR: Let the record reflect that the witness
16 has indicated in the sort of blood area on the middle bottom of
17 the photograph.

18 THE COURT: The record will so reflect.

19 Q And can you finally point to where you saw Sain Ashfaq?

20 A Close to Nisar, on this side where she's pointing at
21 (indicating).

22 Q And is it fair to say that that's the opposite side of the
23 bike as your father's body?

24 A Yes.

25 Q I'd like to show you what's been marked as Government

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1 Exhibit 825. Do you recognize this area?

2 A Yes.

3 Q Is it fair to say that this is the rest of the orange door
4 that was depicted on the previous exhibit, 806?

5 A Yes.

6 Q And does this appear to be -- well, let me just flip back
7 and forth. So 825 and then 806, so is it fair to say that the
8 orange door should be coming off of the right side of 806?

9 A Yes.

10 Q And then I'd like to show you what's been marked as 833 and
11 entered into evidence.

12 A Yes.

13 Q Do you recognize this photograph?

14 A Yes.

15 Q Do you know whose house the lavender house is?

16 A Yes.

17 Q And where on this picture, if you can point, is the sort of
18 alleyway where the bodies were on the ground?

19 A Opposite of the vehicle that's in the -- where I'm pointing
20 at, below that (indicating).

21 Q Okay. So is it fair to say that if one could go next to
22 this purple house, you'd be on the little alleyway where the
23 bodies were?

24 A Yes.

25 Q I'd like to show you Government Exhibit 42, but before I do

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1 that let's just go back for one second to Government Exhibit
2 833. Is the front of this lavender house flat or curved?

3 A Curved.

4 Q I'm going to -- Ms. Asghar, I'm going to give you
5 Government Exhibit 42 where you're sitting, and I'm going to
6 provide you with a pen and I'm going to ask you to make Xs at
7 certain places that I'm going to ask you about.

8 THE COURT: Mr. Jackson, would you do that, please.

9 Q Ms. Asghar, do you have a pen?

10 A Yes.

11 Q Can you take Government Exhibit 42 and put an X where you
12 saw your father and your sister's bodies?

13 A Sure. (Indicating.)

14 Q And next to the X, can you put the word "bodies" so we know
15 what you're indicating.

16 THE INTERPRETER: I'm sorry. She's asking --

17 Q Could you -- next to the X where you saw the bodies, if you
18 could please put the word "bodies" so that we know what you're
19 indicating.

20 A (Witness complies.) Okay.

21 Q And then could you put an X in the area where the house was
22 that you ran into?

23 A (Witness complies.)

24 Q And could you put "house where ran."

25 A House?

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1 Q "House where I ran."

2 A (Witness complies.)

3 Q And could you put an X in the general area where you were
4 when you first heard the shooting?

5 A (Witness complies.)

6 Q And could you put the word "shots" at that location?

7 A (Witness complies.)

8 Q And finally, could you put an X in the general area where
9 your house is, your family home?

10 A (Witness complies.)

11 Q And could you put "my home."

12 A (Witness complies.)

13 MS. HECTOR: Okay. Could I please get that back, Mr.
14 Jackson?

15 The government moves to admit the amended Government
16 Exhibit 42, which I'll mark as 42A.

17 THE COURT: Any objection?

18 MR. SOSINSKY: Can I just see what -- I didn't have
19 the opportunity to see what it says.

20 THE COURT: Of course. Why don't you show it to your
21 adversary.

22 (Pause in the proceedings.)

23 MR. SOSINSKY: No objection.

24 THE COURT: It's admitted. You may publish it to the
25 jury.

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1 (Government Exhibit 42A received in evidence.)

2 (Exhibit published to the jury.)

3 Q Now, Ms. Asghar, you said that after people started running
4 after you, you ran into a home and you hid in a room; right?

5 A Yes.

6 Q And you heard certain people talking outside?

7 A Yes.

8 Q What was the -- how long did you stay inside that house?

9 A Less than half an hour.

10 Q Did you eventually come out?

11 A Yes.

12 Q What caused you to come out?

13 A I heard the police siren and my mother's voice.

14 Q You heard police sirens and your mother's voice?

15 A First I heard the siren. I didn't believe that the police
16 was there. Then I heard my mother was crying, then I came out.

17 Q And when you came out, were you able to reunite with your
18 mom?

19 A My mother was talking to the police.

20 Q When you came out, had your father Asghar and your sister
21 Madeeha, had they been moved?

22 A Yes.

23 Q Where had they been moved to?

24 A Their dead bodies were on the cots.

25 Q I'm sorry?

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1 A Their dead bodies were on the cots.

2 Q Their bodies were on the cots?

3 A Yes.

4 Q I'm showing you what's in evidence as Government Exhibit
5 821. Are these the cots that your father and your sister were
6 placed on?

7 A Yes.

8 Q And who is the person in the middle of the picture?

9 A I am.

10 Q And what were you doing in this picture?

11 A Crying.

12 Q Did you see police when you came out there?

13 A Yes.

14 Q And this area in the back, the house --

15 A Yes.

16 Q -- is that the same lavender house that was in the other
17 pictures?

18 A Yes.

19 MS. HECTOR: Your Honor, I'm happy to continue, but I
20 would just note the time is 5:10.

21 THE COURT: I've noticed the time. How much more do
22 you have with this witness?

23 MS. HECTOR: Probably 15 minutes.

24 THE COURT: All right. Then we're going to adjourn
25 for the day, ladies and gentlemen of the jury. We'll start

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1 tomorrow at 9:30 a.m. Again, please do not talk about the
2 case, even amongst yourselves. Don't read anything about it.

3 As I said, you're the real jury, you make the real
4 decisions when the evidence is completed, and we're just
5 starting the trial. So we will be back tomorrow at 9:30 a.m.
6 I thank you very much, and have a good, quiet evening. See you
7 tomorrow at 9:30.

8 (Jury exits courtroom.)

9 THE COURT: Again, I will remind the witness not to
10 talk with anyone about her testimony in the course of the
11 evening. I will ask that question, as always, tomorrow.

12 All right, the jury has left the room. Do we have any
13 procedural issues to discuss, Counsel?

14 MR. TUCKER: Yes, Your Honor, one issue from the
15 government. There have been several requests from the news
16 media for copies of certain of the exhibits --

17 THE COURT: Yes.

18 MR. TUCKER: -- introduced into evidence today.

19 THE COURT: Yes.

20 MR. TUCKER: I'm sorry, Your Honor?

21 THE COURT: Yes.

22 MR. TUCKER: Your Honor, I just couldn't hear the
23 Court.

24 THE COURT: I'm indicating that I'm hearing you.

25 MR. TUCKER: Understood, Your Honor. Your Honor, the

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PROCEEDINGS

1 government's understanding of the law on this is fairly clear;
2 that since the documents are in evidence and have been
3 presented to the jury in open court, the news media is entitled
4 to them. Obviously, as --

5 THE COURT: Are you working up to a question? Can you
6 give documents that have been admitted into evidence to the
7 news media? And the answer from this Court is, yes, of course,
8 you may do that. I'm not interested in getting reversed by the
9 Second Circuit, especially for being stupid, okay? Once
10 they're in evidence, you may give them to the media. All
11 right? Thank you. Anything else?

12 MR. TUCKER: Not from the government.

13 MR. SOSINSKY: No, sir.

14 THE COURT: We're adjourned. See you tomorrow at 9:30
15 a.m.

16 (Whereupon, the proceedings were adjourned at 5:10
17 p.m. until June 24, 2014 at 9:30 a.m.)
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